NO MERE SHADOWS

Faces of Widowhood in Early Colonial Mexico

SHIRLEY CUSHING FLINT

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To the mothers
Mary Louise Moore Cushing, MA
Anna Belcher Moore
and sisters
Barbara Ann Cushing, MSW
Betty Steinmetz, BA
Jane Flint, MA
Nancy Jane Cushing, BS
Suzanne Flint, MA

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INTRODUCTION

In Spanish literature, art, theater, cinema, and history, the widowed Spanish woman appears regularly as a dour, diminutive figure dressed in black, devotedly attending church and meekly accepting male authority. Recent European and Latin American scholarship is now forcing this stereotype to yield. Although previous analyses of widows in sixteenth-century Europe and the New World accurately portrayed them simply as keepers of hearth and home, enough exceptions existed to suggest that women of all classes, by either choice or circumstance, exerted considerable power within and without their families. The old stereotype ignores women who operated successfully outside the confines of conventionality.

Stephanie Fink De Backer's book *Widowhood in Early Modern Spain* echoes my findings for early colonial Mexico, and Allyson Poska's *Women and Authority in Early Modern Spain* expands and corrects our perceptions of powerful, capable widows beyond aristocrats to include members of the peasant class. No longer is the widow a nearly invisible personage within the greater social and political realms of sixteenth-century history; rather, she is frequently discovered to be a person holding some power within a family, a person worthy of respect. Regardless of station in life, widows, mindful of preserving their families' legacies, prove to have been capable guardians, astute managers of property, and savvy businesswomen.

The lives and choices of five such powerful widows in colonial Mexico, the remarkable Estrada women of Mexico City—a mother, three daughters, and a granddaughter—reveal the possibilities available to aristocratic women of the time and the kinds of strategies they employed. These five widows created and sustained a family network in order to further their own goals within inherited social norms. Each, when widowed, chose not to remarry. Their stories illustrate the constraints placed on both widows and women in general by the religious, secular, and legal cultures of their time and the ways in which some women refused to succumb to those constraints.

The experiences of this small group of kinswomen from the upper class of early colonial Mexican society do not speak to the larger issue of legal access for all classes, genders, races, or socioeconomic groups. But I do not mean to suggest that women or men from groups other than that to which the Estrada women belonged were excluded from the Spanish legal system. In fact the framers of the Spanish legal system made valiant efforts to mandate access for all the kingdom's subjects, regardless of station in life. Unfortunately, what was mandated and what was practiced often diverged. The Spanish were consummate bureaucrats and insisted that they be paid for their work, so that effective access to the courts required money. Paupers and Indians were exempt from the fee schedules, but that exemption did not level the playing field. In many cases, those with few resources were denied credible access.[1]

My interest in the widows of this book grew in a roundabout way. At first, like many other researchers, I took little interest in Spanish colonial widows, whom I perceived as having been hampered by black dresses and male society, confined to their houses or those of male relatives, awaiting death in silence. Fortunately, I was started down a different road by a remark made by the historian Herbert Bolton in his 1949 book *Coronado, Knight of Pueblos and Plains*. Bolton wrote that Pedro Castañeda de Nájera, in his chronicle of Francisco Vázquez de Coronado's expedition of 1539–1542 into modern northern Mexico and the southwestern United States, noted that Vázquez de Coronado's wife, doña Beatriz de Estrada, was both beautiful and rich.[2] Who, I wondered, was this young woman, left to pine in Mexico while her husband blazed a career into the northern frontier of New Spain? Little did I suspect that answering this question would take me on a journey to the archives of Mexico and Spain, to the towns in Spain where doña Beatriz's parents, doña Marina and Alonso, came from, and to the family's haunts and neighborhoods in Mexico City. What began as simple wonderment became an odyssey.

As I delved into the life of doña Beatriz, my research expanded to encompass her mother and sisters and ultimately the issue of widowhood in early colonial Mexico. My historical lens widened from focusing on a single person to covering first a large family network and then a broader understanding of colonial society in the first hundred years of Mexican history and the generally unexamined role of widows in that history. By looking at this one family of widows, we can glimpse the structure of everyday life in colonial Mexico. There we see women who ruled the roost and were adept business-persons, canny judges of the opposition, self-sacrificers, and upholders of honor. We see women familiar with the laws of Spain, social mores, and political maneuvering—qualities usually attributed to men.

Along with doña Beatriz, I examine the lives of her mother, doña Marina Gutiérrez Flores de la Caballería, and her sisters doña Luisa and doña Francisca, as well as her niece doña María de Sosa. Each of these women's stories illustrates an aspect of Spanish life in the New World that has been overlooked in the standard histories of the time. Their stories are by no means

the only ones in which women of the upper class participated in society, made choices, exerted power, and wielded influence, but the Estrada women, as members of one powerful family, exerted influence over a wide range of financial, legal, and religious aspects of their society.

Doña Marina, the matriarch; doña Luisa, an *encomendera*; doña Francisca, acting as a guardian and marriage broker; doña Beatriz, who chose a life as a *beata*; and doña María de Sosa, caught in a political upheaval, illustrate different aspects of the same condition—widowhood. Each woman's role in her family and society was much larger than the role in which I represent her in this book, but each of the roles I depict captures at least the spirit of the woman as I came to know her.

The Estradas were not unique in sixteenth-century colonial Mexico or in the Spain or even Europe of that time. Similar powerful, plucky, strong-willed women are known from elsewhere—women who did not conform to the myth of womanhood but instead helped to define its evolving reality. Catalina de la Fuente, a widow from Toledo, for example, managed to negotiate the twists and turns of the royal court to successfully enable her illegitimate half-brother to inherit the family property. When the two Mendoza cousins, Magadalena de Bobadilla y Peñalosa and Ana de Mendoza, became widows, they carved out spaces for themselves in both the powerful Mendoza clan and the patriarchal system at large. Magdalena sued her guardian for mismanagement of her property, and Ana proved to be a knowledgeable litigator. Outside of Spain, too, women were redefining the image, if not the laws, regarding their proper place in a male-dominated society. Alessandra de Filipo Macigni, a fifteenth-century Florentine widow, competently managed her family's financial affairs, and Lady Lettice Tresham, a member of Henry VIII's court, exhibited all the traits of the Estrada women in her ability to marry her children well, litigate when necessary, increase the family property, and bequeath it to the next generation.[3]

A brief sampling of sixteenth-century Hispanic women in the New World who stretched the traditional bounds of behavior must include doña Catalina de Sotomayor and Marina Vélez de Ortega. Both were widows by 1547, and after their husbands' deaths they remained in Michoacán and Puebla, respectively, raising their own children and orphans. These women helped to settle territory outside of Mexico City and brought their Spanish customs to neighboring native populations.[4] A scattering of women in the sixteenth-century Americas were named *encomenderas*. Some of them were original title holders, such as the doña Marina of this book, the Aztec emperor Montezuma's daughters Ysabel and Leonor, and, in Peru, Maria de Escobar and Beatriz Clara Coya, daughter of the Inca noble Sayri Tupac. Others, such as Luisa de Estrada, also of this book, and Mari Angel, María de Valenzuela, and Catalina del Viñar, inherited their *encomiendas* in New Spain from their husbands.[5] María de Estrada came to New Spain with her brother, Francisco de Estrada (neither of them related to the Estradas of this book), and took part

in the Narváez expedition of 1520. She survived her first husband, Pero Sánchez Farfán, and was remarried to Alonso Martín. Likewise, brave women in the political turmoil of Peru, such as doña María Calderón, doña Inés Bravo de la Laguna, and Juana de Leytón, illustrate the strength and political involvement women displayed during the colonial period.[6]

Although other women portrayed strengths similar to those of the Estrada women, the Estradas were joined by family, social status and condition, and an apparently shared outlook on behaviors appropriate to the sixteenth century and their place in it. The fact that all of doña Marina's daughters remained widows, as she did herself, speaks to a certain common upbringing and vision of their place in their society, a vision formed and nurtured by doña Marina as the family matriarch and manifested in power, strength, intelligence, and fortitude—all characteristics she encouraged. This book is as much a story of doña Marina and her legacy as it is a story of that legacy's continuation by her daughters and granddaughter. Doña Luisa, doña Francisca, and doña Beatriz subscribed to their mother's vision and passed it on to their daughters. The widowhoods of doña Marina's daughters overlapped, so that each probably sought comfort, compassion, and knowledge of strategies from the others. Their collective wisdom made them all the more powerful.

It is also clear from the lives of these women that none of them repudiated marriage itself. Those who had daughters all sought and arranged advantageous marriages for them. In this family, the life of a nun or spinster was apparently not encouraged, and only one daughter of another Estrada sister, doña Ana, actually became a nun. Once an Estrada woman was married to advantage, widowhood, in contrast to the subservient role of wife to another husband, offered her wide latitude in negotiating her future.

History is not just a tally of grand moments. It consists of each moment lived by ordinary people in ordinary ways; their collective actions define history itself and provide the backdrop for other, much studied moments. I hope this exploration of the Estrada women not only deepens understandings of the particularities of early Mexican-Spanish society but also builds a bridge to an understanding of our own times. We can learn from history as it records our actions and helps inform our motives, aspirations, and similarities.

CHAPTER ONE

WIDOWHOOD

> I say to unmarried women and widows, it were good for them if they kept themselves as I am: but yet if they cannot suffer, let them marry. For it is better to marry than burn.
>
> —Quoting from St. Paul, Juan Luis Vives, *Instruction of a Christian Woman*, 1523

Prescriptive roles for widows in medieval and Renaissance Europe and, by extension, the New World in the sixteenth century were fraught with contradictory admonitions. Civil and ecclesiastical laws simultaneously governed the behavior and rights of women who had lost husbands. In Spain, custom, both ancient and contemporary, guided the treatment of widows, even if it sometimes conflicted with the law. The behavior of widows was also framed by lay and ecclesiastical writings replete with cautionary tales setting out in prose and verse the many pitfalls of widowhood.

In the male-dominated European society of the time, women in general were revered and yet held in suspicion. Their sexuality both brought forth new heirs and enticed men to sin. Although many laws, customs, and teachings focused on the proper behavior of women, much of the intention behind those precepts was to ensure the legitimacy of heirs to property and titles. If a man could be absolutely assured of his paternity only by limiting a woman's freedom to move about in society, then so be it. Within the Spanish legal framework in place from at least the Roman occupation of the Iberian Peninsula were notions of woman's inherent weakness and unpredictability. Patriarchal society claimed that restrictive laws were all for the benefit and protection of women's honor, but the subtext of the laws was to guarantee, insofar as possible, that women produced legitimate heirs.[1]

In Spain, among women at large, widows presented an especially thorny

problem for both lay and ecclesiastical men, who expressed their ambivalent perceptions of widows in their legal decisions and moral teachings. Divergent laws, customs, and precepts encouraged widows both to remarry and to remain unmarried, so that widows found it nearly impossible to negotiate the divergent expectations confronting them: religious devotion, unmarried widowhood, or remarriage. To men, widows floated between an enforced or chosen celibacy and a perceived promiscuity. They might remain faithful to their deceased husbands or become faithless to his memory and their children. They might choose to serve either God or their own interests. Where in the hierarchy of society did these women belong? Were they in marital limbo, awaiting another man to marry and therefore susceptible to the weaknesses of their sex? Should they be accorded some respect and trust as matriarchs and mothers and given a certain degree of autonomy? Perhaps their disappearance from society altogether would relieve men of their contradictory opinions, and so widows should be encouraged to adopt the reclusive life.

People in other contemporaneous European countries portrayed widowhood ambivalently, much as Spaniards did, in part because of the power and ubiquity of the Catholic Church.[2] In fifteenth-century, pre-Renaissance England, widows of the aristocracy generally elected to remain widowed rather than remarry, thus retaining control over their children's property and providing for their own autonomy. In this decision they were supported by Clause 8 of the Magna Carta, which declared that "no widow shall be forced to marry so long as she wishes to live without a husband."[3] Widows in Renaissance Florence generally fell into one of three categories: those who chose to stay in their husband's family, surrendering to that family both autonomy and control over their children; those who chose to live independently, near to but not with their children; and those who chose to remarry, relinquishing the children of the previous marriage to the care of the deceased husband's family.[4] In practice, the birth families of young Florentine widows strongly encouraged them to remarry, often for the family's economic and social advantage and to preserve their daughter's dowry. Church doctrine, on the other hand, ascribed virtue to the young widow who chose to remain with her children.

These two conflicting interests—families' preference that their widowed daughters remarry and the church's encouragement of continued widowhood—created tension for a newly bereaved woman, contrasting what might be good for her parental family with what might be good for her children. In either case, they ignored what might have been good for her. The concept of the "cruel mother" developed in response to women who chose to start life over again, sometimes selecting their own husbands, rather than remain widowed.[5] Anecdotes, tales, and gossip about the widow who left her husband's children with uncaring in-laws to pursue her own dubious ends circulated among the populace.

Many of the same expectations of widows and contradictions regarding

their role in society continued beyond the Middle Ages and early Renaissance to the early modern period, although scholars disagree over which ones actually survived and which ones were modified or ignored. Some authorities suggest that during the sixteenth and seventeenth centuries women's lives became ever more constricted and less autonomous, and they were pressured to reassume a more subordinate role in the household. The historian Joan Klein, however, observed that "the further our texts move away from theological assumptions about woman's place and the nearer they come to describing the actual conditions of women's lives, the less emphasis we find on notions of women's subordination, inferiority, and frailty."[6] Individual case studies of Renaissance widows in both Florence and England have proven Klein's assertion.[7] The examples of the Estrada women in New Spain also corroborate Klein's cautionary statement and show that Spanish widows in the sixteenth century continued to exercise substantial control over their own lives.

Contradictory admonitions to widows found voice in medieval and Renaissance popular literature. Chaucer, writing in the fourteenth century, drew competing images of widows as devoted to their mourning in *Troilus and Criseyde*, and flaunting their freedom in the *Canterbury Tales*. A fourteenth-century Spanish work, *Libro de Buen Amor*, employed innuendo and highly charged sexual references to depict widows as faithless and sexually driven. A Spanish ballad printed in the sixteenth century, *Fonte Frida*, tells the tale of a widow (a turtle dove) rejecting the advances of a suitor (a nightingale) in order to remain faithful to her deceased husband. The playwright Lope de Vega continued the theme of the devoted widow in his 1597 play *Viuda, casada y doncella*, in which a husband, Feliciano, is taken captive by Muslims and enslaved in Africa for years. Imagining that Feliciano is dead, the family of his wife, Clavela, pressures her to marry a well-placed caballero, although her desire is to remain a widow. At the last possible moment, husband and wife are miraculously reunited. Two years later, in *La viuda valenciana*, Vega depicted, contrastingly, a young, beautiful widow, Leonarda, in pursuit of an amorous relationship with a young gallant, Camilo. In the early seventeenth century, Tirso de Molina, in his play *La prudencia en la mujer*, harked back to the history of Queen María, widow of King Sancho IV of Castilla y León, who, in the 1290s, relied on her intelligence, political astuteness, and diplomatic acumen to successfully guide her son to the throne.[8]

These examples are only a few of many in which widows played important roles in the European literature of the day, a literature that did nothing to enlighten the populace regarding the complex difficulties facing widows and the nuanced choices they needed to make. Widows did not simply choose between wantonness and saintliness—choices that were certainly exaggerated in any case—and portrayals of widows as two-dimensional only validated society's preconceived notions of their state. In general, male writers

tended to portray widows as much more liberated than they were, thus feeding fears that such women operated outside society's norms.[9]

Catholic Church dogma vacillated between seeing a woman's role as that of virgin and that of mother. In the early fourteenth century, much ecclesiastical debate took place over whether virginity achieved a higher state of grace or blessedness than marriage. The debaters, among them Vincent de Beauvais and Robert Holcot, soon recognized their conundrum—that if only virgins existed, then women could not abide by the biblical teaching to "be fruitful and multiply."[10] Later, in 1565, the Council of Trent weighed in on the sanctity of marriage with its ruling that matrimony was a sacrament, but in nearly the same breath it stated, "If anyone says that the married state excels the state of virginity or celibacy . . . let him be anathema."[11] The Marian dichotomies—mother and virgin, mortal and godly—only muddied the ecclesiastical waters for those attempting to emulate Mary's behavior. Although the Catholic precept of the Immaculate Conception of Mary—her being born untainted by original sin—was not officially recognized until the nineteenth century by Pope Pius IX, discussions at the Council of Trent in the sixteenth century led to a declaration that Mary was at least absolved of original sin.[12]

Juan Luis Vives's 1523 *Instruction of a Christian Woman*, written in Latin at Catherine of Aragon's request for her daughter Mary, was translated into Castilian, French, English, German, and Italian. It laid out the manner in which a decent Catholic woman should conduct herself both before and after marriage.[13] Many of its precepts directly reflected the church's dogma and discouraged an independent widowhood. Before marriage, children, especially girls, were not to be overindulged or allowed "unbridled liberty." Young women were best taught reading and writing, but "let those books be taken in hand that may teach good manners" and be rooted in holy Scripture. Furthermore, a young woman was admonished to "be at home within and unknown to other folks, and in company to hold her tongue demurely, and let few see her, and none at all hear her." Vives went on to advise virgins and brides in proper deportment, and he wrapped up his *Instruction* with advice to widows. They were to mourn their husbands in the prescribed degree and for the allotted duration and were not to forget him, but rather to live each day with him in mind. If a widow should remarry, it was best if it were to an older man and for the benefit of her children, rather than to satisfy her own wanton desires.

Fray Luis de León, in 1583, also advised on proper behavior for married women in his "La perfecta casada," echoing the precepts of Vives. He counseled wives to serve their husbands and raise their children while fearing God and maintaining a clear conscience. They were to be silent and invisible while ever watchful of the needs of husband and child.[14]

These teachings and rulings spilled over into the lives of everyday women. Women were to be both virginal and motherly, quite an impossibility

for most wives, but not, in essence, for widows. Having had their children, they could now assume a life of celibacy. The church itself, however, held contradictory opinions regarding the appropriate role of widows in a Christian society and whether they should be encouraged to remarry. On the one hand, as one historian put it, a "widow as neither virgin nor wife could provoke distrust and anxiety [among the clergy]."[15] On the other hand, the church benefited financially from the many widows who contributed to the good works sponsored by churches: the establishment and maintenance of hospitals, schools, and orphanages, as well as the provision of support for less fortunate widows and the poor. Widows also had more time for prayer and devotion to God, and they were even permitted to teach the catechism, relieving some of the burden of overtaxed clergy.[16]

Other sixteenth-century clerical texts, written by the likes of the Franciscan Cherubino de Spoleto, the Dominican Girolamo Savonarola, the Augustinian Erasmus, and the Carthusian Giovanni di Dio de Venise, invariably encouraged even young widows not to remarry but rather "to govern their homes, educate their children, and dedicate themselves to a life of good works."[17] In effect, the clergy in the sixteenth century advised widows to be invisible, silent, meek, and self-sacrificing.

In these ways widows were faced with an ambiguous choice. By not partaking in marital obligations, they could devote themselves to good works and God and almost return to the exalted status of virgin. And yet it was feared that those same women, without the constraints of a husband, were prone to indulge in sexual delights, which might result in illegitimate children. Especially attractive widows were highly encouraged to remarry, in order to save their souls and probably the souls of their potential lovers.[18] Despite the debates and contradictory opinions, the hierarchy of female status within the church remained that of virgin, then widow, and finally wife, with widow ranked above wife because of her prescribed sexual abstinence.[19]

In addition to popular literature and church teachings, legal precedents dictated the widow's role. Because so much of what we know about women and widows in sixteenth-century New Spain is derived from court proceedings and other legal documents, it is crucial to understand the Spanish laws that pertained to them. The codification of Spanish law, with its foundation in Roman law, was realized in the *Siete Partidas* of 1386, formulated during the reign of Alfonso X, the Wise. These precepts were so encompassing and germane that portions of the code remain in effect to this day in Spain and its former colonies. Both the *Siete Partidas* and customary practices in Spanish communities were underlain by *fueros*, or local laws, which predated the *Siete Partidas* and prevailed over subsequent laws. A host of varying legal interpretations throughout the kingdoms of Castilla and Aragón called for continuing clarification between governing bodies and communities. While addressing issues of disparity in law, the king and his expert advisors made it clear in the *Siete Partidas* that "nothing can prevent the laws [here] from

having the force and authority which we have mentioned except three things; first usage, second custom, third fuero." They continued, "Usage originates from time, custom from usage, and fuero from custom."[20] Although customs were local and did not apply to the kingdoms as a whole, they were nevertheless expected to conform to common sense and to what learned men considered to be right and just. The *fueros* that emerged from usage and custom were not necessarily written down but were to be made known in public squares, accessible to all.[21]

Within the older legal frameworks, the seeds of dispute had grown regarding, among other issues, marriage, widowhood, guardianship, and property rights—disputes that subsequent emendations attempted to resolve. With the *Leyes de Toro* of 1505, eighty-three amendments and additions were made to the previous body of law, with the stipulation that if the 1505 laws did not cover a specific subject, then judges were to refer back to the *Siete Partidas*. Local laws won validation with the acknowledgment that they preceded both the *Siete Partidas* and the *Leyes de Toro*. If local laws did not go against God and reason or the 1505 code, then they were to be followed.[22]

Like the *Siete Partidas*, the *Leyes de Toro* mentions widows only occasionally. Women in general are covered, and their rights to property and guardianship are confirmed. In the older body of law, the rights of widows were specified under the topics of inheritance and guardianship, to which the *Leyes de Toro* added little. There are caveats, however, to our understanding of the law as it applied to women, caveats that the historians Heath Dillard and Clara Estow caution us to heed. "We should avoid the assumption that women lived exactly as men thought they should," wrote Dillard, and Estow observed that "while historical literature highlights the experiences and uniqueness of individuals, legal treatises and the legal tradition—by recording the normative and ideal—often erase important differences and project a uniformity and universality seldom enforceable and rarely achieved."[23] In other words, it was one thing to formulate law and often quite another to enforce or follow it.

Because of the gap between the ideal and the actual, understanding the actions of the widows discussed in this book requires highlighting the key rights and laws of which they were cognizant and which they used to their own purposes. To begin with, the marriage contract made stipulations for the wife should she one day become a widow. The dowry that a woman brought to her marriage, although controlled by her husband, was not his property. If it had not been wasted or encumbered by the husband, it was returned to the widow to be used as the economic foundation for her new life. If he had spent the dowry, his estate was liable for its value.[24] If a husband had inflated the value of his wife's dowry in his will—which was sometimes done to shelter property from creditors—then his widow would be due the enlarged amount at his death. In this way, she could find herself better protected financially than she would have been with the original value of her dowry.[25]

If a widow came from a wealthy family, she might also possess a parental or family inheritance, which she might or might not have shared with her husband. Any property acquired jointly was divided between the widow and her husband's other heirs, unless she was designated his sole heir. In the case of multiple heirs, the common proportion for the wife's share was 20 percent, a rate that had been established during Visigothic times. Often, the inherited property of a well-to-do widow consisted of a house, household furnishings, a mule or other pack animal, and her family jewels. Sometimes she inherited a mill or other income-producing property as well.[26]

As one would expect, the condition for widows of means did not represent all widows. A woman who became poverty stricken as a result of the death of her husband was classified as a pauper and exempted from taxation. Unfortunately, it was not uncommon for a widow to find herself liable for debts incurred by her husband and close to bankruptcy. "Whatever a woman's circumstances when she first became a widow, they were unlikely to improve over the years unless she were rich to begin with, highly competent to manage her property and capable of earning her own living, preferably and most advantageously in partnership with cooperative children."[27]

In regard to partnering with her children, the longer a widow could postpone a division of property, the better off she remained. Division of property was typically delayed by establishing a widow's guardianship over her underage children. Since Visigothic times, widows enjoyed priority over other relatives of their children and exerted substantial control over the children's patrimony, ensuring their own economic well-being in the process. Like any other guardian, a widow was required to show an increase in the value of her children's property or suffer the consequences—being charged with negligence and held financially liable.[28]

In the Spain of the eleventh through thirteenth centuries, widows enjoyed varying degrees of autonomy, with Catalan women in the northeast leading the way. As Heath Dillard suggested about late medieval Catalonia, one "can perceive how widowhood affected a woman's position in society by examining her sources of security and independence, the diverse family connections that bore on her interests, and her duties and privileges as an adult female resident of her town."[29] Her statement applies equally well to Spanish women in the sixteenth century, as is amply illustrated by the work of Stephanie Fink De Backer, Allyson Poska, and the contributors to Helen Nader's volume *Power and Gender in Renaissance Spain*.[30]

Widows in sixteenth-century New Spain also enjoyed a sustained autonomy. They were allowed guardianship of their underage children or grandchildren and through that mechanism had access to property that could produce an income. Women were permitted to buy, sell, rent, inherit, bequeath, lend, borrow, administer estates, and form business partnerships. As widows taking on the role of father and mother, they had reason to engage in all these activities, given their often precarious financial situation and their

desire to maintain their family's status.[31]

There are examples of widows in the New World carrying on the businesses of their deceased husbands, including the publishing houses of Brigida Maldonado, Jerónima Gutiérrez, and María de Sansoric. Widows founded religious institutions for indigenous children and, like doña Catalina de Bustamante, were directors of educational establishments. In rare cases they even held public office, as did Beatriz de la Cueva, who briefly became governor of Guatemala when her husband, don Pedro de Alvarado, died in the Mixtón War.[32]

If they did not go so far as to enter society at large, wealthy women might still take it upon themselves to emulate their former queen's example and enlighten their daughters by teaching them grammar, Latin, mathematics, art, and music. Elizabeth Howe, in her work on the education of women in the Hispanic world, has convincingly portrayed Queen Isabel the Catholic as a driving force and highly visible model for the benefits of educating women. For women of elite status, the queen's support and example redefined female education, which was generally conducted by women and seen as both acceptable and advantageous to society at large.[33]

In New Spain during the sixteenth century several factors, among them immigration policies and the consequences of conquest, with its exigent frontier needs, contributed to a legal status for widows that was somewhat broader than that enjoyed by their peninsular counterparts. The ratio of unmarried men to single women in the early years of settlement in New Spain was decidedly skewed. Between 1493 and 1580 about 16 percent of registered immigrants were women, although in the last two decades of the sixteenth century, that percentage nearly doubled. Some women immigrated to reunite with husbands; others came as retainers to other immigrants or simply were adventuresses. An important factor in this immigration was that widows, although unattached to male relatives, nevertheless received licenses to enter the New World. Often such women had few prospects in Spain but could serve the foreign policy goals of the Spanish government by emigrating. It was thought that these respectable women would be the foundation of a solid, transplanted Spanish society that would supplant the native one. Widows were seen as desirable wives for conquerors, some of whom were on undesirably intimate terms with native women. Spanish women would be the future mothers of Spaniards, endowing their offspring with Spanish blood and passing on the Spanish language and customs.[34] Spanish policies encouraged not only the subjugation of the conquered native population but also its transformation, and widows played a key role in effecting such an outcome.

The autonomy of widows in New Spain continued for most of the sixteenth century. The Spanish Crown had hoped that an influx of available women to New Spain would quickly reshape it in Spain's image, but conflicts and conquests throughout the century created many more widows, defenseless orphans, and daughters of prostitutes in need of protection. Women were

thrust into decision-making positions in order to look after the affairs of their families and of their society. One response to the disorder in their communities was the founding of sodalities, often headed by widows and modeled after their European counterparts, such as the Company of Santa Ursula, founded in Italy between 1530 and 1535, and the Virgins of the Hearth, also founded in Italy, at the end of the sixteenth century. Both of the Italian models were established to protect the virginity of young women not associated with male protectors or a convent. In the New World, Leonor de Portocarrero and Mencia de Sosa, both widows, founded the convent of La Encarnación de Lima in the mid-1500s for similar purposes. The pattern was repeated throughout the Spanish colonies. Often these institutions also provided for the education of fatherless daughters, who otherwise probably would have received no schooling in their fathers' families' households, where they were likely treated as servants rather than relatives.[35]

The historian Karen Powers has observed that "although women's activities were constrained and their behavior highly controlled under Spanish patriarchy, they found ways to limit its excesses both from outside the system and within it. Sometimes women flaunted patriarchy through frontal assaults, but more frequently they stayed inside the system, pushing and reshaping its boundaries to the extent that they were able to exercise influence, express themselves, and generally be empowered."[36] Other Latin American scholars have found that widows especially enjoyed a high degree of independence to influence both their families and society at large when the patriarchal model broke down with the death of a husband and was replaced by a matriarchal viewpoint, even if only temporarily.[37]

The women of the Estrada family who are the subjects of this book generally followed one of the several prescribed patterns for sixteenth-century Spanish widows, and simultaneously exerted considerable influence in pushing the boundaries of prescription. This family of women, I should stress, belonged to the highest social stratum of New Spain, and its widows' privileged positions contributed to what they were capable of choosing and accomplishing. Their cases by no means reflect the status of the majority of widows in the New World. But neither were they unique. Rather, these women broaden our perception of widowhood in colonial New Spain. As is the case for many groups of people who have little voice in the written record, the story of widowhood in early New Spain must be teased from the documentary records with an awareness of what the undercurrents were for particular widows in particular places. If we do not examine the nuances behind the caricatures, we are left with vague impressions and enduring stereotypes. From the sources we discover that other widows in New Spain besides the Estrada women, often those from privileged backgrounds, also flirted with the boundaries of acceptable behavior and successfully maintained a degree of autonomy in the process.

Yet because other widows with similar advantages generally remained in

the background and went unrecorded, the highly visible Estrada women allow us a glimpse of their unusual spunk and verve. Their behavior was acceptable within their family and apparently was encouraged and valued. What is particularly important is that this was a family of women, a family of widows —women who had close ties with their active sister widows and through them access to a strong support network. These connections were invaluable in their individual efforts to succeed as powerful, once-married women. Although powerful widows were in evidence throughout sixteenth-century New Spain, the Estrada women appear to be a special example of familial widowhood. Collectively, they represent a strong family unit in which social status, reputation, and the protection of property were successfully nurtured and fought for, sometimes against nearly impossible odds.

First among the Estrada women is doña Marina Gutiérrez Flores de la Caballería, the matriarch. After the death of her powerful husband, Alonso de Estrada, she chose to remain a widow, but not a secluded one. She took the reins of power for her family and wielded them extraordinarily successfully. Her eldest living daughter, doña Luisa de Estrada, followed in her mother's footsteps. She, too, after her husband died, took charge of the welfare of her family's property, both that which she inherited from her parents and that which she controlled through marriage.

Doña Marina's youngest daughter, doña Francisca de Estrada, remained very much in public life after her husband's death. She successfully battled for the custody of her granddaughter, both within and without the law. Only doña Beatriz de Estrada, the next-to-youngest child, chose a secluded life, devoting her energies as a widow to the church as a nonprofessed religious. Those devotions, however, did not preclude her involvement in her family's many business affairs. Even in the third generation, the legacy of doña Marina was manifested in her granddaughters, particularly doña María de Sosa.

Although none of these five Estrada women remarried, each, with the possible exception of doña Beatriz, maintained a highly public presence and was a power to be reckoned with in her family. Each woman was a product of the legal, religious, and secular cultures of her time, and each recognized the opportunities and constraints of those cultures. The Estrada women belonged to their times but refused to be confined by them. They were influential in the early colonial life of New Spain, setting examples for their children and grandchildren in an ethic of protection of children, property, and family prestige. In what ways doña Marina instilled in her female children and grandchildren a strategy for life as a widow can be assessed through the actions of her descendants. In the following chapters I tell some of their story, revealing that far from being a "class of persons deserving of pity," these particular widows deserve our admiration and consideration.[38]

CHAPTER TWO

DOÑA MARINA GUTIÉRREZ FLORES DE LA CABALLERÍA TAKES THE REINS

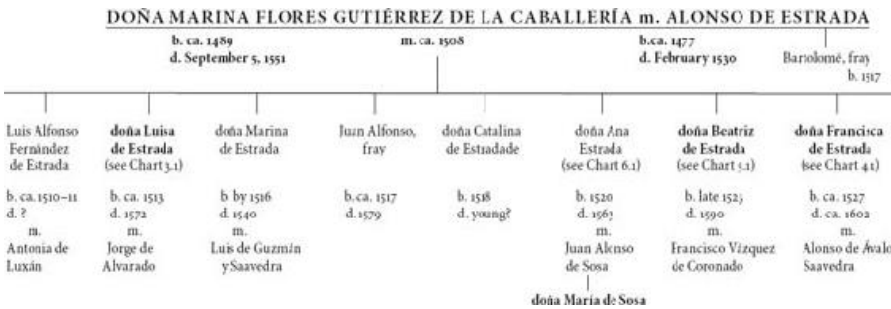
> She is left a widow and alone and with many children and in a land so far from her birthplace.
>
> doña Marina, April 4, 1532

In a *probanza* written in 1532, doña Marina Gutiérrez Flores de la Caballería, two years the widow of Alonso de Estrada, portrayed herself as a lonely mother of many children, far from her parental home—words she hoped would influence the Crown and its officials to take pity on her and award her and her children a yearly payment, a not unlikely possibility. Many conquerors and their families had been given just such yearly stipends. What doña Marina's statement neglected to reveal was her capacity to provide for her immediate needs and those of her children, to understand the intricacies of the Spanish legal system in matters that impinged on her family's welfare, to comprehend the finer points of financial transactions, and to imbue in her children and grandchildren the knowledge and example of the coping skills she had learned from her own parents. Behind her demure plea lay a will of iron.

The strengths and capacities doña Marina manifested in her life as a widow in New Spain can be more fully understood and appreciated if we return to her birthplace, the town of Almagro, in the province of Ciudad Real, Spain. At the turn of the sixteenth century, great changes and upheavals took place there, changes that affected doña Marina's world and, in turn, the entire world. In the Spanish kingdoms during the last half of the fifteenth century, a heightened awareness of and conflict over identity poisoned an otherwise

tolerant atmosphere that had existed for nearly a century among people of varying beliefs and cultures. In an otherwise idyllic setting, doña Marina experienced firsthand the results of her parents' means of surviving and even flourishing as descendants of Spanish Jews. In addition to savvy parents, she was the beneficiary of powerful relatives and a fortunate marriage. None of these survival skills was lost on the equally savvy doña Marina as she matured.

Chart 2.1



SOURCES:

Doña Marina: Birth: *Documentos inéditos relativos a Hernan Cortés y su familia*
Marriage: Based on approximate age of first child
Death: "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego"

Alonso: Birth: "Juan de Jaso vs. Nuño de Guzman regarding pueblo of Cuitatlan," fol. 17v
Death: "Lawsuits of Alonso de Estrada"

Luis Alfonso: Birth: "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco" and "Choices for royal treasurer"
Marriage: Fernández del Castillo, "Alonso de Estrada," 412

Marina: Birth, marriage, death: "Lawsuit between Juan de Saavedra and Alonso de Estrada, his brother"

Juan Alfonso: Birth: "Includes the guardianship papers for doña Marina, wife of Alonso de Estrada"
Death: Dávila Padilla, *Historia de la fundacion y discurso de la Provincia de Santiago de Mexico*, 543

Catalina: Birth: "Bautismos: Parroquia San Pedro, Libro I," 9

Note: Except in the case of doña Catalina, many of the birth dates are inferential, based on often vague statements of approximate ages by the individuals. Death dates, however, tend to be verifiable. Marriage dates have been approximated using the conjectured ages of the women, ages of first-borns, and documents in which the women are referred to as "wife of."

Figure 2.1. The Plaza Mayor in Almagro, Ciudad Real, Spain. Photo by author, 2006.

The story of doña Marina Gutiérrez Flores de la Caballería begins in the late fifteenth century on the vast plains of the region called Castilla–La Mancha. Almagro was one of the most important towns in La Mancha, with a population of at least 3,000 to 4,000 inhabitants, of whom 1,000 were *vecinos* and about 300 to 400 were *mudéjares*, or followers of Islam.[1] The importance and cosmopolitan flavor of Almagro were due to the all-pervading presence of the administrative headquarters of the military Order of Calatrava, which had been chosen by King Alfonso X in 1273 to assemble the kingdom's legislative body, the Cortes del Reino, and upon which Almagro's economy heavily depended.[2] Politically, Almagro harbored an enclave of practicing Jews, some of whom had fled to the protection of the Calatrava Order from the provincial capital, Ciudad Real, after the devastation of its Jewish quarter in 1391.[3] Only in the area known as the Campo de Calatrava were Jews allowed entrance into the Third Estate, or merchant class, a class that had representation in the order's council chambers.[4] Doña Marina's family was a member of this protected and powerful class.

Figure 2.2. Calatrava la Nueva castle, southwest of Almagro, Ciudad Real, Spain. Photo by author, 2002.

Nearly a century later, however, Almagro's Jewish community was also targeted for destruction by a tribunal of the Inquisition that was established in nearby Ciudad Real in 1483.[5] Although 29 official Inquisition hearings and 269 unauthorized hearings were held in Almagro between 1485 and 1500 regarding the activities of *judaizantes*, or converted Jews who continued to practice religious or cultural Jewish customs, the town was still seen as a safe zone for Spain's Jewry.[6] In 1474 there were at least 70 Jews in Almagro, among whom 18 were *vecinos*, but by 1495 there were known to be 253 *judaizantes* there.[7] Apparently, doña Marina's family at some point was tainted by the accusation of being *judaizantes*, because years later neighbors remembered the family as *conversos*—descendants of Jews converted in mass baptisms—or as practicing Jews.[8] The family weathered this storm of recrimination and remained an integral part of Almagro's daily life and power structure.

The environment for tolerance of Jews in Spain was fast approaching its end. On March 31, 1492, the Crown, under Isabel and Fernando, officially and irrevocably ended the Jewish communities throughout Spain by issuing their edict of expulsion. It was not made public until April, when Jews were ordered to pack up and depart their kingdoms within three months. This policy of intolerance left many long-upstanding families both homeless and nationless.

There still existed, nevertheless, avenues of escape for the select few Jews to whom the Crown owed some loyalty and was politically indebted. The Crown issued letters proclaiming some families of a much older Jewish

heritage free of tainted blood, meaning that they were not currently tainted by Jewish or Moorish impurities, presumably because of their conversion one hundred years earlier.[9] The terminology used in the royal edicts was *limpieza de sangre*—"cleanliness of blood"—vouching that a person's blood was acceptably "pure" but not necessarily that he or she was devoid of all traces of an impure past. Such was the turbulent and momentous world into which doña Marina was born, on the eve of both the expulsion order for anyone of her Jewish heritage and the discovery by Europeans of a continent that would come to define her and her descendants.

Variously referred to as Marina de la Caballería y Gutiérrez, Marina Gutiérrez de la Caballería, and simply doña Marina, she was born in Almagro around 1489 and, through her mother, into at least the minor nobility, which entitled her to be addressed as "doña."[10] Her parents, Juan Gutiérrez de la Caballería and doña Mayor Flores de Guevara, were well-respected and prosperous *vecinos* of Almagro. The couple had five other children who survived into adulthood: Gonzálo Gutiérrez de la Caballería, Juan Gutiérrez Flores, Diego Gutiérrez de la Caballería, Isabel de Guevara, and Catalina de la Caballería. Documentation has so far provided only a few glimpses into the activities of the Gutiérrez de la Caballería family. Marina's father was a merchant supplying goods to the Calatrava Order, and members of his family were town councilmen.[11] Despite his Jewish heritage, he and his family were not expelled from Spain, largely because of the intervention of King Fernando, who issued papers stating that either the family possessed the requisite percentage of non-Jewish blood or that through Christian indoctrination its Jewish blood had been cleansed.[12] Most likely the family's forebears, long-time royal advisors, openly converted to Christianity during the 1391 anti-Jewish attacks and could plausibly claim nearly one hundred years of adherence to Christianity.

Young Marina's days were filled with learning the ways of women of her class: receiving proper Christian religious instruction and lessons in reading, writing, sewing, and other feminine skills. In addition, as Elizabeth Howe has suggested, families close to the court of Isabel, as doña Marina's family was, would have benefited from the queen's insistence that her daughters and other women at court be educated beyond the standard expectations for women. Doña Marina was a product of her time, imbued with a competence and comprehension that would serve her well as the widow of a royal treasurer in New Spain. These learned abilities were seen as necessary and acceptable among her class, so she would have expected no objection from either her husband or anyone else in her social circle to her passing on to her daughters, in turn, this knowledge and experience.[13]

Figure 2.3. The Gutiérrez de la Caballería family's parish church, San Blas, in Almagro, Ciudad Real, Spain. Photo by author, 2006.

Despite the air of normalcy in the Gutiérrez de la Caballería household, the family must certainly have felt tension arising from the continuing religious persecution of the Jews of Almagro, as instigated by the Inquisition in Ciudad Real and later emanating from the archbishopric of Toledo. Even in possession of a royal declaration vouching for its *limpieza de sangre*, Marina's family was not guaranteed immunity from the suspicions of either the Inquisition or fellow *vecinos*.[14] She might have suffered public humiliation or some form of social ostracism during this period of her life. Whether suspicions affected her marriage options is conjectural, but it is possible that they did.

Sometime around 1508, at the age of nineteen, doña Marina married Alonso de Estrada in Ciudad Real. Thirty-one-year-old Alonso, the future royal treasurer of New Spain, born about 1477, was the son of Juan Hidalgo and was a *vecino* of Ciudad Real, the bustling "county seat" of Ciudad Real province, only nineteen miles west of Almagro.[15] In light of the offices he later held, it can be presumed that Alonso received an ample education; he obviously could read, write, and maintain financial records. Alonso was a Christian, but he, too, was raised in a mixed cultural environment that of necessity would have colored his view of Jews and Muslims. Apparently, Alonso was habituated to a certain degree of religious and cultural tolerance, which he exhibited not only in his marriage to doña Marina but also in subsequent events. For example, Diego de Ocaña, a scribe in Mexico City in the 1520s, was tried as a *judaizante*, but his friendship with both Estrada and the *factor*, or royal agent, Gonzalo de Salazar saved him from the worst of the Inquisition's effects.[16]

Figure 2.4. The Estrada family's parish church, San Pedro, in Ciudad Real, Ciudad Real, Spain. Photo by author, 2002.

Where doña Marina and Alonso met and how their marriage was arranged —whether theirs was a political or an economic match, whether they married for love, or whether it was some combination thereof—cannot be known with certainty. Theirs might have been an arranged marriage based on preexisting ties between the families. Marina's brother Diego Gutiérrez de la Caballería and Alonso's stepmother, an Oliver (or an Oliver relative of hers), had an unspecified close relationship.[17] Whatever the connection or motivation, the marriage proved advantageous to both parties. Through his prestigious and prosperous in-laws Alonso gained access to economic advancement and political influence. Doña Marina strengthened her Christian bonds and further removed herself and any future offspring from her Jewish heritage.[18] Each gained something money could not buy: additional old Christian kin and the ear of the king.

Evidence suggests that the newly married couple established their household as *vecinos* of Ciudad Real, possibly in a house owned by doña Marina's family. Later, during her protracted legal battles to settle her late husband's estate with the Casa de la Contratación in Sevilla—the administrative body that oversaw political appointments, commerce, and treatment of the Indians in the Indies—she reprimanded the officials for seizing her dowry goods and implied that those goods included some houses

in Ciudad Real.[19]

Alonso was active in Ciudad Real's city council early in their marriage and was named a councilman in perpetuity, but he soon exerted a wider influence in the Spanish government. According to doña Marina's later statements, Alonso served in Flanders, possibly as a member of the royal guard during the coronation of Carlos I of Spain (usually referred to as Carlos V of the Holy Roman Empire), and as an escort when the new king arrived in Spain in 1516. A few years later he was assigned to the post of admiral in Málaga and sent to Sicily for three years. Alonso was slated to be governor and captain general in Santa Marta, Columbia, but the 1520 Revolt of the Comuneros, a citizens' uprising in Castilla, kept him in Spain. Subsequently, he was assigned to Cáceres, Extremadura, where he served in 1521–1522 as *capitán coronel* (local military head) and *corregidor* (Crown-appointed administrator).[20]

Sometime during these assignments, the king, for unspecified reasons, accorded Alonso the title of *señor*, or lord, of Picón, a town just outside Ciudad Real.[21] As a *señor*, Alonso advanced a step up in noble circles, attaining the status of "don," but curiously, neither he himself nor others referred to him as "don," thereby, presumably, preserving his social inferiority to his wife. Rumor had it that Alonso was an illegitimate son of King Fernando, on which basis chroniclers of his day explained his dramatic rise in rank. But no solid evidence of royal paternity has ever been adduced. More plausibly, his astonishing career advancements may have been due to the influence of his wife's family, the Gutiérrezes and de la Caballerías. Both families continued as influential advisers to Fernando and the court, even after the expulsion order of 1492.[22]

Currently, no evidence suggests that doña Marina followed her husband to any of his far-flung assignments; rather, she remained in their house in Ciudad Real, caring for their children, Luis Alfonso, Luisa, Marina, Juan Alfonso, Catalina, and Ana. Upon his return from the south, Alonso assumed his duties in Cáceres, an arduous, two-hundred-mile journey west from Ciudad Real. In all likelihood he remained there, separated from his family, for two years.[23]

Just before his departure for Flanders, Alonso had an informal relationship with Ana Rodríguez Anhaifa in Ciudad Real, which produced a son, Bartolomé, born in 1517.[24] Because Alonso was married at the time of Bartolomé's conception and birth, Bartolomé was an illegitimate child, but he nevertheless claimed publicly to be Alonso's son. Under certain circumstances children from such unions were openly accepted by their fathers, although I have found no record of correspondence between the two in this case, and neither doña Marina nor her children ever referred to fray Bartolomé as a brother or member of their household. As was often the case, children born out of wedlock took religious vows, as did Bartolomé.[25] He traveled to New Spain and served several congregations in the modern states of Jalisco and Michoacán. It is revealing that he presided over the baptism of a child of his

niece (daughter of his half-sister, doña Luisa) in the 1560s, suggesting that familial bonds might have been more in evidence than the documentary record suggests.[26]

In October 1522 Alonso was ordered to New Spain as royal treasurer.[27] This prestigious appointment indicated great trust in his proven ability and close connections to the royal officials who would have recommended his appointment, possibly having been influenced, in turn, by his royally connected in-laws. It has been said that he was transferred to New Spain because of his involvement in several deaths, but assigning him to a top royal post seems a most unusual solution to ridding the kingdom of a troublemaker.[28]

The Estrada household was undoubtedly in turmoil with this new assignment. Sailing to the New World was best accomplished in spring or fall.[29] In order to make the spring sailing, the Estradas had about eight months to put their affairs in order, make arrangements for their passage, settle the three children who were to stay behind, pack the necessary and sentimental property for the ocean voyage, and otherwise accustom themselves to the fact that this might be their last view of their mother country and perhaps of some of their children. Preparations must have been both exciting and sad. Soon Alonso returned to Ciudad Real from his assignment in Cáceres, collected the members of his family who would accompany him to New Spain—doña Marina and daughters Luisa and Marina—and proceeded overland ninety miles south to Sevilla, the embarkation point for travel to the New World.[30] There Alonso deposited with the Casa de la Contratación the requisite financial guarantees of more than seven hundred silver pesos, supplied by two merchants in Sevilla, Gonçalo de Jerez and Andrés de la Sarza.[31] With its paperwork in order, the Estrada family made the final leg of its journey down the Guadalquivir River, which snaked its slow progression through rice fields and past swamps until it met the Atlantic Ocean at Sanlucar de Barrameda, about forty-five miles south of Sevilla.

Alonso, doña Marina, about three months pregnant, and their two young daughters, Marina and Luisa, finally left Spain in June 1523. Their other children—Luis Alfonso, Juan Alfonso, and Ana—were left behind, Catalina having apparently died by this time. Luis Alfonso eventually took charge of his father's Spanish holdings and assumed his governmental posts and the title of *señor*. Later, both Juan Alfonso, a priest, and Ana joined the family in New Spain. In 1523, on the way to his New World post, Alonso took with him a retinue consisting of relatives he could trust and rely on to serve him well. Among them were Juan de Mazariegos, son of Diego de Mazariegos, a cousin; Luis de la Torre and Juan de la Torre, sons of Antonio de la Torre and Inés de Cabrera, cousins; Antonio de Oliver, possibly a cousin or stepbrother; and Diego Gutiérrez de la Caballería, his brother-in-law.[32]

In the best of conditions the voyage across the Atlantic required about three months at sea. It is likely that the Estradas disembarked at the port of

Veracruz in September, the same month in which the decrees appointing new royal officials—the treasurer, accountant, inspector, and *factor*—preceded their arrival in Mexico City.[33] That the interim treasurer, Diego de Soto, held his office until March the following year suggests that doña Marina and Alonso lingered in Veracruz for the final stages of her pregnancy and the birth of their daughter Beatriz sometime in late 1523.[34]

Alonso was the second official treasurer to serve in New Spain, holding office from 1524 until his death in 1530. Julián de Alderete had been the first treasurer, appointed in 1521, and Soto, the interim treasurer, served from 1522 to 1524. The treasurer's principal commission was to collect the king's revenues, including import duties, taxes on salt, and penalties, as well as to pay salaries.[35] His own salary was set at 510,000 *maravedís*, almost 1,900 silver pesos a year. The Crown believed that this amount was sufficient to discourage corrupt practices such as thievery, bribery, and extortion among its officials, who engaged in them all too often in order to alleviate the hardships of serving in distant colonial posts.[36]

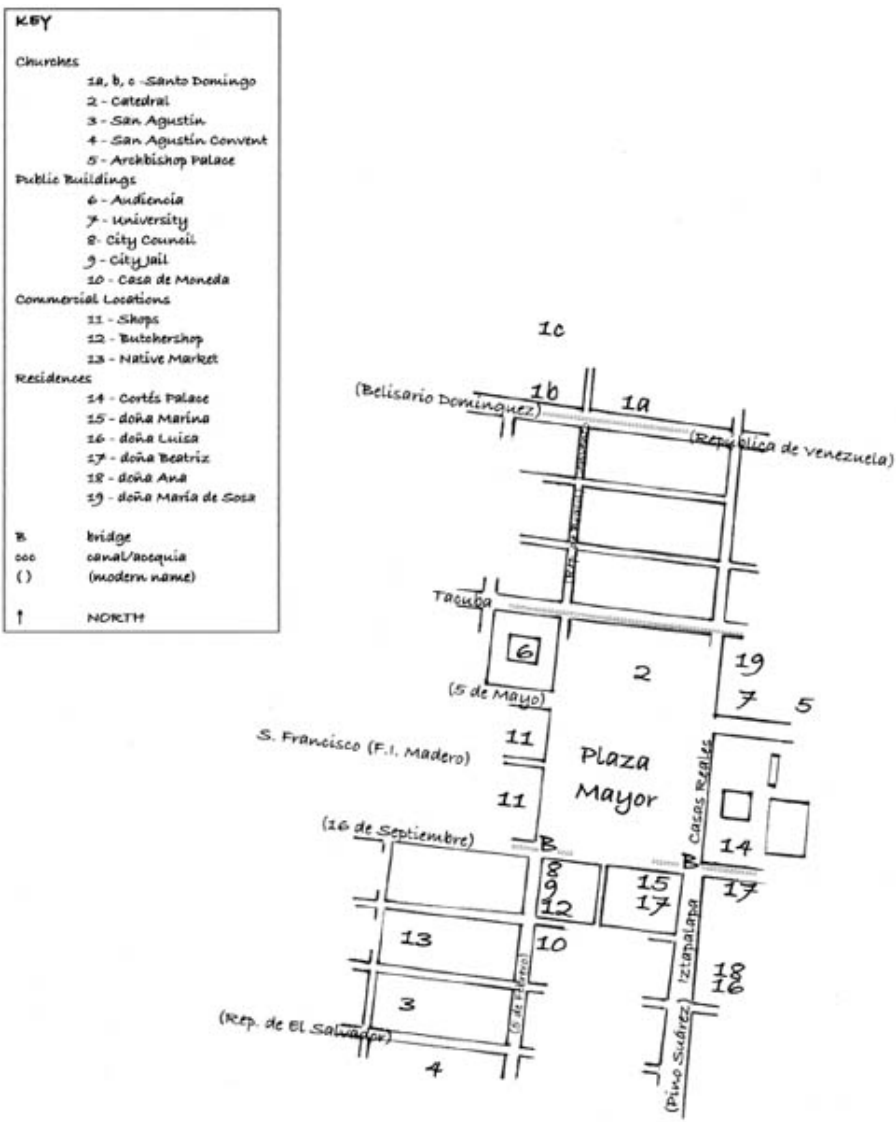
Mexico City–Tenochtitlan would have appeared wondrous to newly arrived Spaniards, including the Estradas, even in its war-torn state. Mexicas, Tlaxcaltecas, Acolhuas, and Totonacs were peoples they could never have imagined. Their Nahuatl language, dress, culture, religion, and food were unfamiliar and perhaps frightening, yet their land was the place the Estradas were to call home. These were the people with whom doña Marina and her family would share their lives and who would assist her in negotiating daily tasks in a foreign land. She was not alone in facing this challenge; every newly arrived Spaniard confronted equally daunting hurdles. But few had her responsibilities as the wife of a royal official in a new colony.

A mere four years earlier Hernando Cortés, with the aid of thousands of native allies, had conquered this city and reduced it to ruins. New houses for conquerors were rising from the rubble, but at the expense of the health of the native population. According to Francisco López de Gómara, Cortés's secretary, famine and pestilence plagued the city while more and more native people flocked there in the hope of finding work and food, placing an even greater strain on its resources.[37] These concerns must only have compounded doña Marina's apprehension.

Upon the arrival of Treasurer Estrada in Mexico City, Governor Cortés invited the Estradas, along with other royal officials, to reside temporarily in his palace, as a gesture of cooperation and respect for the king's representatives and until appropriate quarters could be located. Within six months Alonso owned property on the south side of the main square, the Plaza Mayor, or Zócalo, on which he and doña Marina established their household. Three years later they obtained additional property to establish some stores there.[38]

One can only imagine doña Marina's bewilderment when she was taken to her first place of residence in New Spain, in a metropolis full of oddities,

destruction, and hostility. She must have had to muster an inner strength to overcome her first impressions, comfort her frightened children, reestablish social and cultural aspects of the familiar Spanish life, and create a home. It cannot be stressed enough that the conditions in Mexico City under which the conquerors and early settlers existed were harsh. As the royal accountant Rodrigo de Albornoz observed when he arrived, "the land was not populated [by Europeans] nor pacified and small uprisings had claimed the lives of 800 Spaniards."[39]



Map 1. Plaza Mayor (Zócalo) area of Mexico City, 1554.

Only four years had passed since the conquest of the great city, and

Spanish institutions governing politics, society, and religion were not yet fully functional or were in the throes of permutation. Disputes between Cortés and the new royal officials, Alonso among them, threatened to plunge the fledgling colony into civil strife. Power struggles were rampant at all levels of government, from the royal *audiencia*—the governing body with legislative and judicial authority over a province—to city councils, both in Mexico City and in each newly conquered territory. Disputes erupted between conquerors and settlers, conquerors and conquerors, and settlers and settlers and between both groups and the emerging governmental bodies. The demarcations of class were blurred. Many ordinary Spaniards were socially elevated in New Spain on the basis of their deeds during the conquest. Some thought themselves entitled to be called "don" and to assume the status of *hidalgo*, a member of the lower nobility. Others sought and received entrance to the prestigious military orders of Santiago and San Juan. The usual ecclesiastical structure of parochial clergy and bishops, so much a part of everyday Spanish life, did not exist during most of the first decade after conquest. Franciscan priests administered to the religious needs of the native population and its conquerors, but there was no diocesan superstructure. Although a bishop had been assigned in 1519, he was located on the island of Cozumel. Not until 1527, four years after the Estradas arrived, was a bishop assigned to New Spain, and he was sixty miles away in Puebla. In the following year a new diocese was established for Mexico City, and don fray Juan de Zumárraga became its first bishop.

Figure 2.5. Location of the Estrada house on the south side of the Plaza Mayor (Zócalo) in Mexico City. Photo by author, 2008.

Although the conquerors and settlers brought their social, economic, religious, and legal constructs with them to the New World, local circumstances necessarily dictated modifications. Variables in the New World

did not always fall neatly into Old World paradigms. Many of the sophisticated indigenous polities that were conquered held tenaciously to their own ways of thinking and viewing the world. Some integration on both sides was required if the Spaniards intended to live peaceably with their new subjects.

Figure 2.6. A.

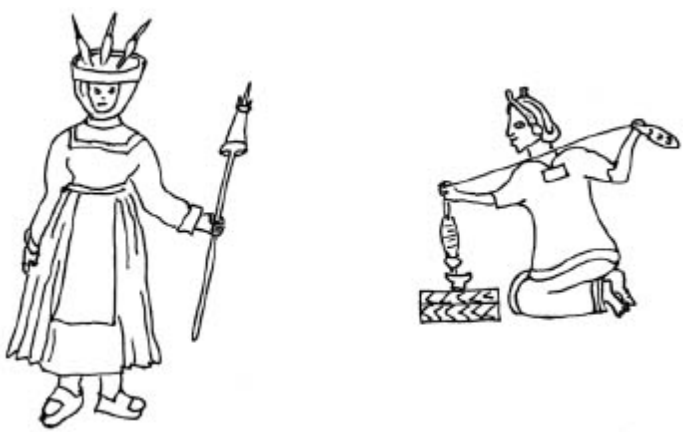


Figure 2.6. B.

Figure2.6. A. Noblewomen: left, Spanish noblewoman, plate 48 (XLVIII) in Christoph Weiditz, *Authentic Everyday Dress of the Renaissance* (Berlin: Verlag von Walter de Gruyter, 1927); right, Mexica noblewoman, after fray Bernardino de Sahagún, *Primeros Memoriales*, facsimile ed. (Norman: University of Oklahoma Press, 1993), fol. 56r. B. Spinners: left, woman in Galicia going to the spinning room, plate 95 (XCV) in Weiditz, *Authentic Everyday Dress of the Renaissance*; right, Mexica spinner, after Frances F. Berdan and Patricia Rieff Anawalt, *The Essential Codex Mendoza* (Berkeley: University of California Press, 1997), fol. 68r, 141.

Lacking a familiar Spanish society, doña Marina set to work creating an

orderly daily life of the sort she was accustomed to, one that revolved around home and church. In setting up her household, she found it necessary and convenient to bring native women into her Spanish activities, women who would be the interface between her and the native market sellers, artisans, and craftsmen. Communication with these members of her cadre of servants might have entailed her learning at least a rudimentary and workable Nahuatl. In return, she in all probability felt compelled to indoctrinate her native charges into Christianity and to teach them some Spanish. Whether she insisted that these women assume the garb and social habits of Spaniards or whether she allowed for native dress and customs cannot be ascertained from the documentary record, in which daily life is little spoken of.

The early years in Mexico City must have been difficult for doña Marina, because the other royal officials had not yet brought wives to New Spain. There were no other women of her status with whom she might have shared the burden of establishing a female Spanish presence among the native women—other Spanish women who would have taught by example the language, religion, and social customs of the new society. She also lacked the simple companionship of other women from her native society and of her social class, women with whom she might have consulted and commiserated. In many ways doña Marina was a pioneer in imposing the stabilizing factors of house and home on a newly conquered land, a Spanish tradition since the Reconquest period on the Iberian Peninsula. The Crown itself was aware of the importance of women in regularizing the lives of conquerors and insisted that men send for their wives if they expected to receive property in New Spain.

In short order Alonso became an integral part of New Spain and its society. Among his many official and civic duties, including intermittent service as acting governor and lieutenant governor, he donated money for two statues, a side chapel, and a family burial place on the gospel, or left side, of the main chapel of the Santo Domingo Church in Mexico City and had his coat of arms displayed there.[40] This was in the first of three locations for the church, the northeast corner of the junction of the modern streets of Brazil and Venezuela (see map 1). Alonso also conceded land to the Dominicans on the opposite, northwest corner, where later the second Santo Domingo Church was dedicated in 1575 and consecrated in 1590. After the destruction of the second church, today's church, in the same block but farther north, was established in 1716.[41]

In 1526 Alonso and doña Marina were *vecinos* of Mexico City.[42] This designation meant that they held property and entitled them to certain privileges and rights. Under the older Spanish *fuero* system, propertied women were allowed to express opinions at council meetings and elections and act as witnesses.[43] Apparently, those Old World privileges did not transplant in their entirety to the New World, for there is little evidence there of women attending council meetings or participating in council elections.

Neither doña Marina nor Alonso neglected their children left in Spain. In 1527 Alonso sent about 3,750 silver pesos—almost twice a year's salary—for the support of his children Luis Alfonso, Juan Alfonso, and Ana.[44] There also exists a document dated August 31, 1528, in which Alonso and doña Marina began long-distance arrangements for the marriages of both Juan Alfonso and Ana in Spain. Doña Marina's integral involvement in arranging these marriages speaks to her capabilities and illustrates Stephanie Fink De Backer's findings that women learned and used skills during their childhood and adulthood that would come to serve them well during marriage and into widowhood.[45]

The marriage negotiations, however, fell apart, and both children eventually traveled to Mexico City, leaving only the oldest child in Spain. Luis Alfonso assumed the office of perpetual councilman in Ciudad Real vacated by his father and was strategically placed at court to assure that any matters concerning the Estradas were heard by appropriate and influential people. It was at this time that doña Marina, approximately thirty-seven years old, gave birth to her seventh and last child, Francisca.

Sometime in late 1529 or early 1530 Alonso de Estrada suddenly sickened, and by February 16, 1530, he was dead.[46] On February third he had prepared a will, in which he named doña Marina guardian of their children and Jorge de Alvarado, his son-in-law, his guarantor.[47] He was eventually laid to rest in the first Santo Domingo Church in Mexico City, to the left of the main altar, just as he had planned.[48] His death followed a tumultuous and often contentious six-year period in which he amassed power, wealth, and influence, and it left his widow, doña Marina, to fend for herself and to support their three unmarried daughters, one of whom was only two years old, without the benefits and finances that being the wife of an active royal official would have provided. She no longer had access to Alonso's salary or to his direct power in the royal government. She was compelled to forge her own way forward.

With Alonso's sudden death, the nearly forty-year-old doña Marina quickly and forcefully emerged from the shadows. Her formerly secure life was turned upside-down in a matter of months, but she was not without options. Since the time of the old Spanish municipal laws (*fueros*), widows were accorded special privileges and had more power over their lives than other women, provided they did not remarry. Doña Marina could have chosen to go into a convent, return to Spain to live in her son's household, or remarry at her relatively advanced age. Instead she chose permanent and independent widowhood in New Spain.

Doña Marina's decision to remain in New Spain rather than return to her family home emphasizes her understanding of the political and social landscape of Mexico City. As a widow on the frontier of the Spanish empire, she had maneuvering room to exercise her will, which would have been compromised had she elected to return to her son's household in Ciudad Real

or enter a convent.[49] With so few Spanish women present during the early years of the establishment of Mexico City, doña Marina and other women exercised their own judgment in modeling societal norms, including taking roles as warriors, property owners, and heads of households. Until the conquest of New Spain was realized on all levels and the accepted Spanish version of what constituted acceptable female behavior was again entrenched, frontier women found new ways to exercise their choices. Indeed, the Crown itself relied on Spanish women to form a Spanish society within the indigenous one, thus tacitly supporting their attempts at shaping a new social order—attempts that might not exactly have reflected the Iberian model.

The Iberian model for a frontier society found currency during the Reconquest of the peninsula from the Moors. After the completion of the Reconquest in 1492, the frontier, along with its inherent needs, demands, and special circumstances, was transplanted to the New World. In this venue women were again seen as integral components of Spain's efforts to "civilize" and "Hispanicize" the native populations. Although Heath Dillard has found that during the protracted Reconquest, widows were often overlooked by their families when decisions were made to solidify property rights and to ensure the well-being of future generations, this does not appear to have been the case in New Spain's frontier society.[50] Indeed, Dillard's findings have been tempered by new scholarship that demonstrates a contrary view—that at least noble Spanish widows were not overlooked but instead played significant parts in moderating the effects of war and civil strife, as well as major roles in shaping Spanish society.[51] De Backer has stated that even the development of a widow's strong legal position during the Reconquest can be attributed to the frontier society, and that position was not immediately eliminated or modified afterward.[52] Doña Marina, far removed from any familial pressure and expectation, recognized and capitalized on the opportunities the Mexican social frontier offered to a woman in her position and thus reenacted a long-standing Spanish tradition for women on the edge of empire.

The Spanish legal system governing widows generally remained intact in New Spain but often was not strictly enforced. Religious mores remained entrenched, whereas social ones were more fluid. Because women of Spanish birth were a rare and therefore prized commodity among early conquerors and settlers, widows could often determine their own fates by choosing to marry whom they wished from among multiple suitors or to remain independent widows. Without the traditional constraints often imposed by families of origin, now too distant to know the status of long-departed female relatives, widows in the colonies, doña Marina among them, followed their particular motivations and showed remarkable astuteness in furthering their own goals.

Other issues were also at play in a woman's decision to maintain her widowhood. The custom that the widow of an important person should receive the same social courtesy afforded her husband when he was alive ensured that her social status would remain intact. Remarriage to a man of

lesser social status than her deceased husband could, on the other hand, diminish her position. Thus, for doña Marina, the choice of remaining an independent widow of high status, both on her own account and as the widow of a royal official, was enticing.[53] There was also the matter of guardianship over children and control of their property. The *Leyes de Toro* of 1505 stipulated that if a mother married again, she would lose the guardianship of her children to one of their near paternal relatives, whether or not her husband's will designated her specifically for that role. More important, in some cases widows voluntarily surrendered their right to administer their children's inherited property in favor of a new marriage.[54]

For doña Marina, social status, control of property, and economic autonomy were issues that guided her decision to remain an independent widow and exercise her matriarchal prerogatives. She was more than willing to take the reins as head of her family, for she knew that protecting its interests would require someone strong-willed and determined, traits honed in her in the hostile Almagro environment of her childhood and young adulthood. Without hesitation she managed, manipulated, and maintained the family throughout political upheavals, economic setbacks, and personal losses. Her strong personality was one to be reckoned with. She did what few women did in this new land, and she did it all without a man dictating or censuring her actions.

It was reported during a 1547 census that doña Marina remained poor after the death of Alonso, but that was clearly an oversimplification of her situation, perpetuated in order for her to receive royal support.[55] In censuses of this type, respondents rarely painted a picture of economic security, and they sometimes neglected to give even the most basic information. This was true in doña Marina's case. She did not declare her parentage or her place of birth, as many petitioners did. Her motivation might have been complicated by an unwillingness to revisit her Almagro past and possibly dredge up the old controversies of her Jewish heritage, or she simply might have had no inclination to restate what everyone already knew about her. We can only imagine her thoughts on the subject. After all, she had lived in New Spain for twenty-five years by the time of the census and considered it her home, and there was no need to explain her origins. For the historian, this is an opportunity lost for further clarification of her family ties.

Although doña Marina was middle-aged when Alonso died, she would have been an enticing marriage prospect for a man wanting to control the second most extensive *encomienda*, Tlapa, in New Spain, had she been a more passive widow.[56] Instead, she became the acknowledged tutor and guardian of her underage children, assumed responsibility for reconciling Alonso's accounts as treasurer, and did not shy away from instigating and continuing lawsuits that bore on her and Alonso's property.

Upon Alonso's death, doña Marina was beset with legal challenges on every front. All these litigations had to be addressed immediately, leaving her

little time for mourning, although she probably abided by the church convention of making weekly offerings for a full year in token of her continued chastity.[57] She was burdened with a dispute regarding Alonso's burial, immersed in settling titles to *encomiendas*, entangled in discrepancies in Alonso's account books, embroiled in settling his outstanding lawsuits, active in initiating her own requests, and involved in finding suitable husbands for her daughters. Most of these traditionally male challenges would have fallen to her husband had he lived, yet doña Marina moved quickly into that familial role and effectively saw them through to the end.

Her first challenge was a proper and dignified burial for her husband. Alonso had given money for a family burial chapel in the first Santo Domingo Church in Mexico City. Apparently, the church authorities did not wish to abide by the agreement, leaving doña Marina to make a direct appeal to the Crown, in this case to Queen Juana, asking that the agreement be fulfilled. I have located no record indicating where Alonso's body might have been stored or temporarily buried during her appeal. Finally, the queen issued a royal order on November 20, 1530, nine months after Alonso's death, instructing the *audiencia* of Mexico City to require the church to honor its previous commitment.[58]

In all likelihood, doña Marina did not receive the royal order until nearly a year after Alonso's death. With the queen's instruction in hand, she proceeded to have Alonso's body removed to his final resting place with as much ceremony as she could afford and command. She could have had no inkling that two hundred years later Alonso's bones, her own, and those of many of her family members would finally come to rest in an undifferentiated mass burial in the Santo Cristo chapel of today's third Santo Domingo Church.[59]

Her second major concern was the confirmation of her legal right to the guardianship of her children and the assumption of her duties in teaching her children to read and write, representing them in court, protecting their property, and giving them a support allowance until they reached the age of majority. Being a guardian was not a straightforward and predictable matter, especially for a woman. Guardianship was, however, a prize worth pursuing, for with it came legal jurisdiction over the property of the heirs and the power to effect family strategy.

The law stipulated that guardians be appointed for males younger than fourteen years and females younger than twelve. The legally preferred choice for a *tutor testamentarius* (guardian for underage children) was someone over the age of twenty-five and male, but exceptions were made for mothers or grandmothers who agreed not to remarry. Remarriage was seen as a potential threat to the well-being of a deceased husband's children. The *Siete Partidas* is explicit on the matter when it states that "on account of the great affection which she may bear to the new husband whom she has taken, she will not properly care for the persons of her children, or will do something which will result in their serious injury."[60] There, the lawmakers were expressing their

view that women were emotionally vulnerable and capable of forsaking their own children or, worse, squandering their inheritance if the new husband placed such a demand on her.

On February 3, 1531, almost a year after Alonso's death, doña Marina presented his will to the legal authorities, indicating that she had been appointed by him as the *tutor testamentarius* for their underage children. Alonso clearly recognized her ability to be the guardian of their children and was aware that he was asking her to make the necessary personal—though in this case apparently willing—sacrifice of remaining unmarried. It is also evident from the work of Grace Coolidge that Spanish wives were systematically chosen as guardians because they, too, wished to maintain the lineage of the husband's children and were in the best position to protect the family's assets to achieve that end.[61]

Another year passed before doña Marina received official confirmation of her guardianship on January 18, 1532. She then offered the guarantee of Luis de Guzmán, her son-in-law in Mexico City, that she would abide by the laws regarding rights of wards. At this time she stated that Luis Alfonso and Juan Alfonso were minors of fourteen years or less, and Ana, Beatriz, and Francisca were minors of twelve years or less. In actuality, Luis Alfonso was around twenty-two, and Juan Alfonso, about fourteen or fifteen. Because they were under the age of twenty-five, they were not legally full adults. They were still subject to some parental or guardian control and were required to have adult representation in any legal matter.

The next daunting hurdle facing doña Marina was the reconciliation of the account books Alonso had kept while he was treasurer. At the end of any official's term of office, an investigation was conducted to clear up discrepancies, irregularities, or complaints that might have arisen during his tenure in office. Alonso's period as treasurer was no exception, but with his death, the responsibility for providing explanations fell to his widow. She weathered this bureaucratic storm for years. To assist her in this and other matters brought before courts in Spain, she granted powers-of-attorney to relatives in Almagro: Hernando de Herrera, *bachiller* Álvaro de Pisa, and *bachiller* Hernando Gutiérrez, master of the Calatrava convent. Eventually, doña Marina's son Luis Alfonso, who had remained in Spain, came to represent family matters there as well.

Her first course of action was to petition the Crown for economic relief from any outstanding liability Alonso might have legitimately owed the royal treasury. That request resulted in a royal order from the queen dated November 20, 1530, forgiving outright more than 550 silver pesos. The queen allowed that assuredly there had been expenses incurred in holding the office of treasurer that would have justified Alonso's use of that sum.[62] Doña Marina also argued that "the sickness from which her husband died was [so] short that he was unable to leave his reports reconciled . . . and as a woman [she] is not trained to make reports." Despite her protestations of inadequacy, she clearly

understood accounting principles. She agreed "that there might be some deficit and meanwhile those that take the accounts [the judges] might look for the ledger entries" that would show payments made.[63]

Meanwhile, the judges who had taken possession of Alonso's ledgers ordered that doña Marina's goods and deeded property be seized and sold to pay the calculated balance due. Because goods were being sold in Mexico City at 20 percent of their value, she petitioned for a four- or five-year extension to find either additional ledger entries that might indicate that Alonso had in fact paid the shortfall or time to amass the necessary funds. She entreated the Crown not to allow her property to be sold, basing her appeal for leniency on Alonso's many services to the Crown. She insisted that she herself could not go to Spain to argue her case and leave her underage children alone in Mexico City and that the threatened confiscation would result in injury and "would destroy her and her children." [64] On February 25, 1531, she again petitioned the Crown to allow her to repay the discrepancies in her husband's accounts, rather than suffer confiscation.[65] Her requested reprieve was apparently granted, because the case to reconcile Alonso's accounts dragged on for four years.

At the time when her personal property in Ciudad Real was seized as collateral for Alonso's outstanding debts, doña Marina fought to distinguish between her dowry goods and those rightfully belonging to her husband. In April 1532 another royal order called for an investigation of doña Marina's claim that her property in Ciudad Real had been unlawfully seized.[66] A resulting agreement was reached between the queen and the officials of the Casa de la Contratación that doña Marina would have her houses and dowry goods returned to her in exchange for paying in gold any judgment against her. The upshot of this royal order was that any money she might otherwise have sent to her children in Spain for their support had to be applied to Alonso's outstanding balance due.[67]

For more than three years doña Marina and the Council of the Indies wrangled over a shipment of around 3,750 silver pesos Alonso had sent to his children before his death. The argument was whether this money was personal or official and whether it fell within the purview of the agreement between the queen and the Casa de la Contratación. Because Alonso's accounts were determined to be 45,000 silver pesos short, the council wanted to attach the 3,750 silver pesos it already held undisbursed as partial payment. Eventually, another royal order was issued in May 1534 clarifying that in fact Alonso had sent the 45,000 silver pesos to Spain in 1524. The debt was ordered to be stricken from the books of the Casa de la Contratación. The Casa de la Contratación, however, refused to relinquish its claim and continued to insist that Alonso's books were not in order. As late as 1549 the Casa repeated that doña Marina and Alonso's heirs owed money and that the 3,750 silver pesos could not be released.[68] I find no documentary evidence after 1549 that would suggest the outcome, unless a lack of documents indicates that the Spanish

officials finally relented and cleared Alonso's books.

It is clear from these legal battles that doña Marina was not timid in taking her claims directly to the Crown and, in particular, to Queen Juana. Although Queen Juana had been dispatched to Tordesillas to live out the remainder of her life, she remained the co-titular head of the kingdoms of Castilla and Aragón until her death. As such, she could and did intervene in cases involving the Crown and its subjects. Perhaps doña Marina appealed to her as one woman to another, or perhaps she had a more personal connection to the court through her family. Had the paths of the queen and doña Marina crossed during their nearly concurrent childhoods? The latter is a tantalizing possibility, given that doña Marina signed at least one document addressed to the queen simply as "doña Marina," as if the queen would have no doubt about who was writing to her.

Simultaneous with these legal wranglings, doña Marina pursued her claims to rightful title to various *encomiendas*. Who should succeed in an *encomienda* after the death of its holder was a thorny issue in New Spain at the time. The Crown continued to hold ambivalent views, depending on economic and political pressures in Spain. At one time or another the Crown decreed that the *encomienda* system was to cease in the New World with the deaths of the current grantees, but it later rescinded the order. If political tensions were too high, the court bent to the wishes of the *encomenderos*. When the Crown was short of money, it issued another order, yet again decreeing that *encomiendas* would escheat to the Crown.

Doña Marina encountered an added complication in certifying clear ownership of certain *encomiendas*. Her husband had reassigned several of them to himself while he was acting governor during Cortés's absence in Honduras. In many cases, similar reassignments were deemed null and void upon Cortés's return to Mexico City, but the validity of others remained questionable. The Crown found doña Marina's arguments persuasive on two counts and issued royal decrees in November 1530 and July 1532 ordering the *audiencia* to return to her the *encomiendas* of Tacuba, a suburb west of Mexico City, and Tepeaca, southeast of Puebla.[69]

Cortés took exception to her receiving Tepeaca, because it involved the much larger *encomienda* of Tlapa. Doña Marina contended that Cortés, "at the time he was governor of New Spain granted in encomienda the estancia and Indians of Tepeaca to the treasurer, my husband. [Although] being in possession of it, both [the] use and rights to it, Nuño de Guzmán, licenciados Matienza and Delgadillo, president and judges of the royal audiencia, took it from him and gave the repartimiento [*encomienda*] to Pero Amyldez Cherinos, inspector."[70] In compensation, Alonso was awarded one-half of Tlapa in 1529 for the support of his family. Upon Alonso's death, Cortés claimed that the entire arrangement—the first assignment and the trade—was null and void, because Alonso had lost his lawsuit with Cherinos over clear possession of Tepeaca. Doña Marina, her economic situation precarious,

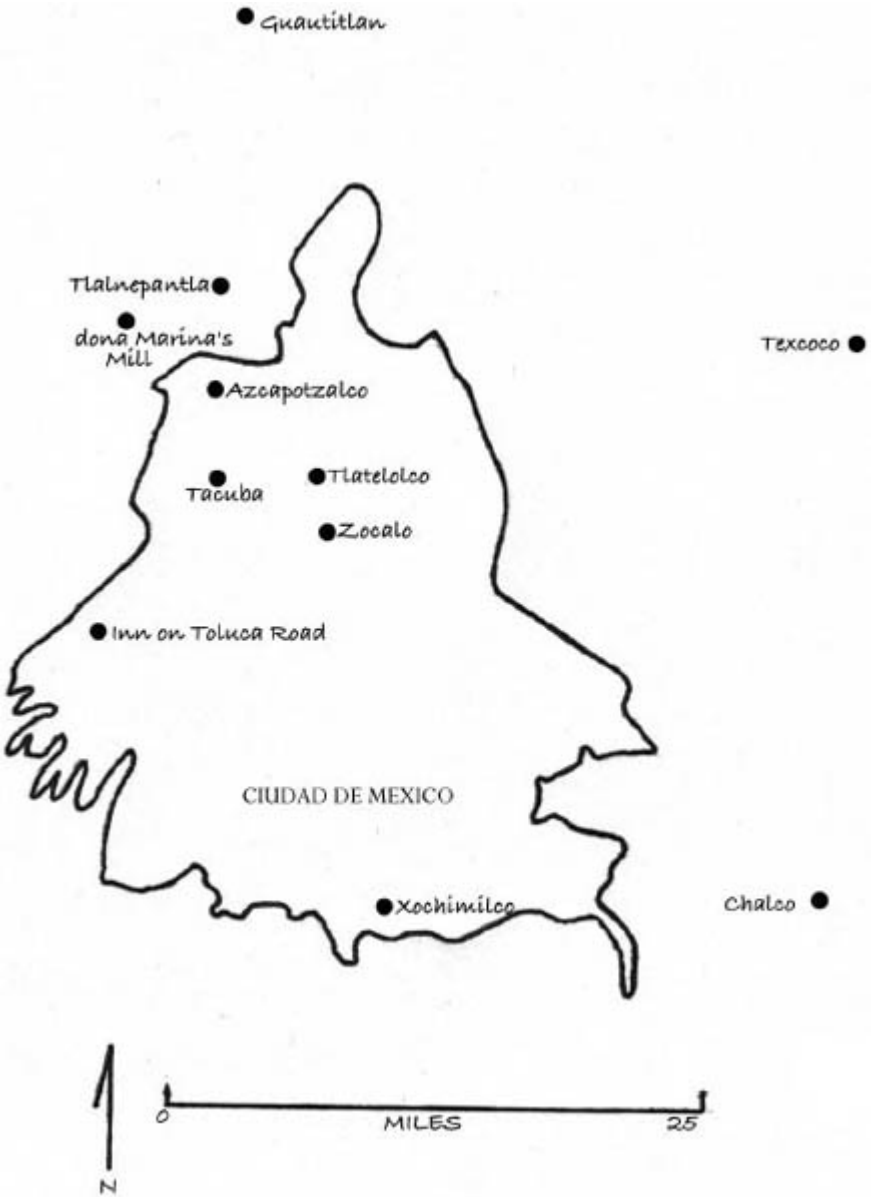
refused to surrender her claim to this source of income without a fight.

She successfully pursued her case to have the Tepeaca *encomienda* grant validated in Alonso's name and exchanged it for confirmation of one-half of Tlapa, in the eastern part of the state of Guerrero. Despite objections from Cortés, doña Marina, under her own signature, along with her son-in-law Jorge de Alvarado, the guarantor of Alonso's will, again petitioned the Crown to keep Tlapa, which was now under threat of confiscation.[71]

In May 1532 Queen Juana wrote that if doña Marina was correct in her assertion that a trade had been made, then doña Marina was to have one-half of Tlapa. Again in November her son-in-law Juan Alonso de Sosa, Estrada's successor as royal treasurer, requested that the Council of the Indies affirm the grant of one-half of Tlapa to his mother-in-law. Included in that request was doña Marina's claim that "by royal order she was the encomendera of one-half the estancia and Indians of Tlapa as well as one-half [of] Tapachastaque . . . [because] the treasurer died and they were entrusted to me."[72]

Viceroy Mendoza, no friend of Cortés, took it upon himself to settle the ownership dispute over the Estrada half of Tlapa by writing to the king in December 1537, suggesting that it be transferred to Francisco Vázquez de Coronado, his protégé, as dowry from his wife, doña Beatriz, doña Marina's daughter. The viceroy also corroborated doña Marina's claim that a legitimate trade had occurred involving the *encomiendas* of Tepeaca and Tlapa.[73] The viceroy's influence resulted in a final judgment acknowledging that doña Marina and the other Estrada heirs held legitimate claim to Tepeaca and could therefore have exchanged it for one-half of Tlapa.[74] Finally, in October 1539, one-half of the province of Tlapa was officially awarded to doña Marina. Once more, even after she assigned her portion of Tlapa to her daughter as dowry, Cortés appealed the judgment favorable to doña Marina. On January 8, 1547, another pronouncement was made regarding doña Marina's lawful ownership of Tlapa.[75] Even during these disputes over ownership of Tlapa, doña Marina continued to manage the *encomienda*, receiving its assessments and tributes.[76]

What was not at issue was doña Marina's status as an *encomendera* in her own right as holder of Teocalhueyacan (Tlalnepantla), northwest of Mexico City, Cortés having assigned it to her in 1526. She also held the Cacayuca *encomienda*, possibly located in Tlaxcala. It is conceivable that doña Marina was originally assigned these *encomiendas* to avoid the royal prohibition that officials such as her husband could not be *encomenderos*, and if they were, they would lose two-thirds of their salary.[77] At the time he made these grants, Cortés may have harbored the hope that by winning over the royal officials he might avoid further restraints on his power and control over New Spain and so could afford to be generous.



Map 2. Greater Mexico City in the mid-1500s.

In addition to *encomiendas*, doña Marina inherited other pieces of property from her husband, including a mill near Mexico City and an *estancia* with many cattle, sheep, and sown fields.[78] As early as 1524 the Estradas had been granted plots of land on the south side of the Plaza Mayor (Zócalo), in Mexico City. Alonso built nine stores on some of that property, as well as their house, Porta Coeli (Heavenly Gate), on Calle Hospital Nuestra Señora (Iztapalapa). In late 1525 and early 1526 the Estradas expanded their south plaza holdings by adding other city lots. In August 1528 Estrada was given

another plot for a house, on the causeway to Tacuba, and he sold other properties, probably for profit.[79] By 1541 doña Marina had managed to retain possession of the valuable properties on the Zócalo. She rented out some of her houses and possibly acted as proprietress of some small businesses.[80] The documentary record also mentions her owning an inn on the Toluca road.[81]

Figure 2.7. Remains of the Santa Mónica mill, on the outskirts of Mexico City. Photo by author, 2008.

In addition, the couple possessed vegetable gardens on the San Lázaro causeway, the road that ran to San Lázaro Church, northwest of the Zócalo. In time the gardens were enlarged and expanded. In order to broaden the Estrada economic base, Alonso had rented two pieces of common land at the rate of seven and a half silver pesos a year in the arroyo of Tacubaya (now a southwestern suburb of Mexico City), on which he constructed two flour mills. Even in 1542 doña Marina's mills were operating under her direction.[82] In 1545 Viceroy Mendoza gave doña Marina two mills (later called Santa Mónica) in Tacuba, on an *estancia* that formed part of her *encomienda* of Teocalhueyacan. This may indicate that she moved all the milling operations and no longer needed to pay rent to the city for the other mills. She owned the Tacuba mills until the time of her death in 1551, when they passed to her daughter doña Luisa.

Being a mill owner was tremendously lucrative, because the cultivation of wheat was a "most important productive activity in New Spain" and the backbone of the economy. Doña Marina's mill, situated on the Río

Tlalnepantla, became the principal supplier of wheat and wheat flour for Mexico City, holding a near monopoly on the market. Indeed, in 1542 the Mexico City council reprimanded her and other mill owners for not grinding all the wheat coming into their mills, but only their own. At the Tlalnepantla site were constructed a large and imposing house with two gardens encircled by stones (one for an orchard and the other for vegetables), the mill, barns, and huts for the Indian laborers. The mill itself consisted of two water wheels, grinding stones, and the necessary accessories.[83]

The hacienda of Santa Mónica was inherited by doña Marina's daughter doña Luisa, whose own daughter Isabel inherited it in turn. After Isabel's death, her husband used it to pay a debt, and then doña Marina's daughter doña Francisca and her husband purchased the property, only to resell it.[84]

As late as 1540 the minutes of city council meetings in Mexico City noted that doña Marina continued to own the plot of land on the Tacuba causeway that had belonged to her husband.[85] At the time of her death she also owned *estancias* for raising livestock in Teucalco, Teucalhuican (probably Teocalhueyacan), and Huixabolmo.[86] Such diversification was essential in an economic world where the viability of *encomiendas* was diminishing because of the Crown's opposition to them and because of Indian deaths, but it also demonstrates doña Marina's business acumen. It has been suggested that there were six common types of viable investments in early-seventeenth-century New Spain—housing, farmland, flour mills, sugar refineries, and cattle and sheep raising—but doña Marina had already adopted that diversified model in the previous century.[87]

Court proceedings were no mystery to doña Marina as she negotiated Alonso's pending lawsuits on various civil matters, although with few victories.[88] In these long-fought-over suits and countersuits, she showed great persistence and knowledge of the intricacies of the judicial and political workings of the colony. She was cognizant of which avenues her lawyers should follow and which documents she must produce. She also pursued her cases in part by relying on whatever political friends she had, until final judgments were handed down.

Among Alonso's lawsuits that she continued were ones involving Bernardino de Albornoz, nephew of the royal accountant, Rodrigo de Albornoz, regarding a house on the western side of the Plaza Mayor, on the corner of Portal de Mercaderes and Refugio, which eventually passed to Albornoz and then to the Augustinians. Another dealt with her husband's auctioning of houses belonging to *alguacil mayor* Rodrigo de Paz, a supporter of the camp opposing Estrada's governorship. In late December 1533, a final judgment was made against doña Marina in the Paz case. The court found for Ynés de Paz, Rodrigo's widow, stating that the Paz houses had been illegally auctioned and that restitution must be made by Estrada's heirs. During 1535–1536 doña Marina pursued at least two other lawsuits initiated earlier by Alonso, one against Bernaldino Vázquez de Tapia and one in conjunction with

Gil Gonzáles de Benavídes against Bernaldino Yñiguez, treasurer of the province of Pánuco (located in the modern state of Veracruz), both disputing *encomienda* grants assigned by Estrada during his tenure as acting governor.

In addition to clearing up her husband's pending lawsuits, she originated litigation on her own behalf. She sued Cortés, seeking repayment for what Alonso had spent on arms in the conquest of Oaxaca. In retribution, Cortés successfully embargoed the Porta Coeli houses and sequestered her *estancia* near Atzcapotzalco.[89] From the queen she petitioned both final reimbursement for the family's passage to New Spain, which Alonso had requested in 1528, and a license to import two black slaves for her household. In a royal order dated November 20, 1530, the queen granted reimbursement of more than 175 silver pesos for travel expenses. Eight years later Marina was still waiting for that money.[90]

In the same 1530 royal order, she was allowed her two slaves. Later, in 1532, yet another royal order granted doña Marina the license to import additional black slaves, two male and one female, also for use in her household.[91] The importation of black household slaves indicates her elevated social rank and economic status. She was not living a life of poverty, as she would have liked government officials to believe in 1547, but rather maintaining her position in New Spain's social hierarchy.

Despite the fact that officials' salaries were rarely paid, doña Marina petitioned for the two years of overdue salary due Alonso at the time of his death, at a rate of about forty-two hundred silver pesos a year. Apparently, Alonso had received a salary increase of 45 percent, or perhaps the additional amount reflected what was due him as acting governor, over and above the standard treasurer's salary of around nineteen hundred silver pesos a year. In late 1532 a royal order granted doña Marina her husband's overdue salary. Five years later she found it necessary to enlist Juan de Baeça to act in her name and that of her children to sue for the eighty-four hundred silver pesos, but still the *fiscal* in the case, *licenciado* Antonio Ruiz de Medina, did not want to pay her. Another royal order, issued in 1539, confirmed the earlier order, but still she was not paid. Finally, in early 1542 doña Marina received the discounted rate of slightly more than twenty-eight hundred silver pesos for each year Alonso had served as lieutenant governor—twelve years after the first royal order granting her request.[92]

Doña Marina simultaneously maneuvered on two other important fronts, the political and the familial. In the year following Alonso's death she requested that his post of treasurer be assigned to their oldest son, Luis Alfonso, who had remained in Spain to manage the Estradas' Spanish holdings. Luis Alfonso put forward his own supporting argument, namely, that the king had promised that if Alonso died while treasurer, his children would be granted his office.[93] Luis Alfonso did make the short list of possible replacements, but the office finally went to Juan Alonso de Sosa, son of the governor and captain general of the Canary Islands. Then, in a dazzling show

of political astuteness, doña Marina had her daughter Ana brought to New Spain to marry the new treasurer. Either way, the office stayed in the family.

When Luis Alfonso became part of the royal court, doña Marina enlisted his help when she found it necessary to present cases in Sevilla before the Casa de la Contratación and the Council of the Indies. In order both to facilitate his activities on her behalf and to provide him with some financial aid, she occasionally sent him money. When that money was withheld pending the investigation and settlement of Alonso's account books, she fought back on grounds that this was not treasury money. It was again necessary for her to appeal to the Crown to have money earmarked for Luis Alfonso actually delivered to him, because the individuals to whom she had entrusted it were either restrained by the Casa de la Contratación or unwilling to deliver it as promised.[94] Legal wrangling over the matter went on for years.

Doña Marina, using her prerogative as guardian, negotiated the marriages of two of her daughters, doña Ana and doña Beatriz. Both were political coups. Doña Beatriz's husband, Francisco Vázquez de Coronado, was the up-and-coming protégé of Viceroy Mendoza, and doña Ana's husband, Juan Alonso de Sosa, was the new royal treasurer. Her daughters were desirable catches, being unmarried Spanish women—even if born in New Spain, as doña Beatriz was—with property and connections, when such women were hard to find.

Upon the early deaths of her daughter doña Marina (II) and that daughter's husband, Luis de Guzmán y Saavedra, doña Marina again took on the role of guardian, this time for the couple's children, her grandchildren, ensuring a smooth transition of property between her descendants.[95] Just a few years before her death she petitioned the Crown on behalf of her grandson Alonso de Estrada, son of don Luis and doña Marina (II), asking that the pueblos her grandson held in *encomienda* be compelled to pay the required tribute as determined by the latest assessment.[96]

Finally, doña Marina wanted her husband's good deeds to be recognized. On April 4, 1532, in Mexico City, she prepared a *probanza*, a document providing proof of a person's worthy deeds, listing his contributions to the Crown. Alonso was to be remembered as the founder of the towns of San Luis and San Ildefonso in Chiapas and for the pacification of that province, in addition to his many services to the Crown as treasurer, lieutenant governor, and acting governor during Cortés's governorship.[97]

Doña Marina Gutiérrez Flores de la Caballería was one of the rare women of her time and place who emerged as a successful and powerful matriarch. Her abilities, ambitions, and lack of familial male control allowed her to succeed in that role. The so-called frontier society in New Spain permitted especially self-reliant and high-spirited widows to achieve their goals, not unlike Spanish women during the Reconquest of the Iberian Peninsula. Doña Marina flourished in the role of "frontier woman."[98]

Her father could not claim nobility, but her mother was a member of the

Guzmán clan, which entitled Marina to assume the "doña" title and to enjoy benefits and privileges not accorded to the lower classes. Members of the nobility of whatever rank were allowed, among other things, to ride horses, wear silk, carry a sword, collect taxes, be inducted into the military orders, and exhibit a certain haughtiness commanding respect.[99] As an heir to noble status, doña Marina could be forthright and assertive, confident of her standing in society. Managing property and small businesses was within her prerogative. Some widows preferred to leave the business of managing property to others such as sons-in-law and male relatives, but doña Marina did not choose that course.

As a woman born at the close of the Middle Ages and on the eve of the Renaissance, she was heir to legal rights accorded to widows, with which she was intimately familiar and of which she availed herself in a multitude of legal proceedings. In regard to education, as far back as the thirteenth century, Spanish women of higher status were encouraged to gain selected knowledge and were revered for learning, especially for literacy, a privilege that served doña Marina well.[100] She could read and write and had some familiarity with the legal system, as both plaintiff and defendant. Apparently, she also possessed at least a rudimentary grasp of accounting. Despite demurring on the issue of balancing the treasurer's account books, she clearly succeeded in reconciling Alonso's records with those of the Casa de la Contratación in Sevilla. As long as she remained a widow, she could and did assume the legal role of head of household and commanded its attendant status.

When she could not get a hearing with local authorities or did not accept their legal judgments, she appealed her case directly to Queen Juana. She clearly knew what her rights were and used them. She did not allow Cortés or the *audiencia* in Mexico City to intimidate her from pursuing what she saw as her just cause. She was determined to claim and hold what property and funds she felt entitled to and did not relinquish her hold until a final resolution was reached. A good number of the litigations she was involved in resulted in judgments favorable to her.

Doña Marina descended from a long line of royal advisors, an association that stood her in good stead for the roles she would play as the wife of the royal treasurer in New Spain and later as his widow. She was a woman who considered her options and proceeded with forethought to attain her goals, using whatever legal avenues were available and whatever political connections she personally could muster or her family enjoyed. Her steadfast pursuit of advantages for herself and her children produced an extensive documentary record from which we can piece together her ambitions. In examining doña Marina's historical voice, we see her familiarity with the rights of women and widows as delineated in the *Siete Partidas* and as manifested in social customs.

Doña Marina's importance to our understanding of early colonial New Spain and the lives of women there is revealed through her determined and

astute drive to maintain her position in New Spain after the death of her husband. As a widow she surveyed the political, economic, and social landscapes of her time and place and chose to be her own woman in Mexico City rather than a widowed mother in Spain, deserving of pity, or a remarried wife in Mexico City. With determination she pushed against restraints developing in the New World, as well as those carried over from the Old.

Doña Marina died in 1551 at the age of about sixty-two, reportedly from an unnamed sickness, leaving behind a family well situated politically, socially, and economically.[101] Each child had property and nearly all married a prominent person in the upper society of New Spain. Significantly, as a model for her daughters, she instilled in them the importance of the skills and interests she exhibited: managing property, furthering the family position, exerting political influence, and maintaining social standing. Through her example, her daughters and granddaughters observed firsthand the ways in which a widow in New Spain could successfully maneuver within a male-dominated society by pressing every legal advantage afforded her. In these ways she nurtured a female Estrada legacy in New Spain from which future generations would benefit.

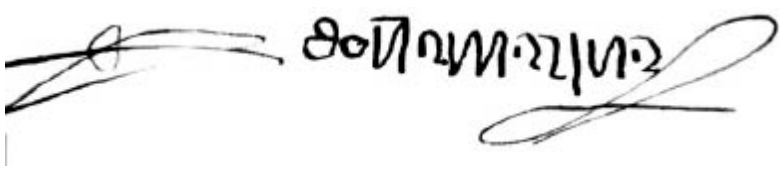


Figure 2.8. Signature of doña Marina. Source: AGN, Hospitál de Jesús, volume 300, expediente 106.

CHAPTER THREE

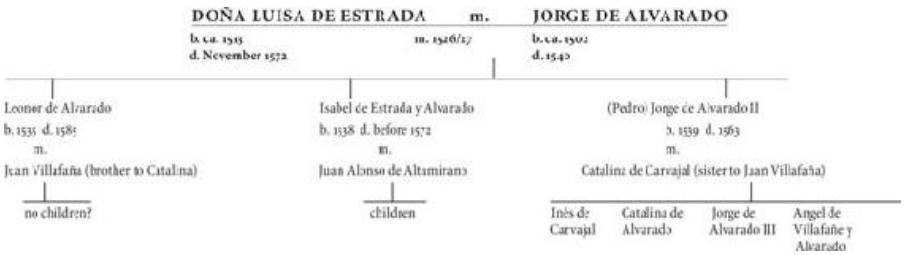
DOÑA LUISA DE ESTRADA CHALLENGES ESCHEATMENT OF HER *ENCOMIENDAS*

> Because there is no young male son in this land who seeks the succession of the Indians, [the *encomienda*] belongs to me.
>
> —doña Luisa, 1551

Doña Luisa de Estrada's bold statement quoted in the epigraph to this chapter indicates the type of woman she was—fearless, intelligent, aggressive, and knowledgeable. She would prove to possess a wide breadth of understanding of Spanish law and custom, in all likelihood learned directly from her parents, who consistently stood up to those who threatened their authority. In her legal battles to remain in possession of the *encomiendas* that had been assigned to her and her husband, she knew where the law supported her claims. As the legal landscape shifted, she shifted with it, using her status as daughter of a royal official and wife of a "first conqueror" and her position as a widow to maintain possession of coveted *encomiendas*, not only for herself but for her heirs.

Luisa de Estrada led a multifaceted life, but here I am most interested in her well-documented role as an *encomendera* and businessperson. It was in this role that her talents and strengths shone. Never one to back down when it came to protecting property, she pursued available legal recourses, relied on her connections, and, when necessary, appealed to the authorities as a widow. Yet she faced serious challenges stemming from changes in the *encomienda* system in New Spain.

Chart 3.1



SOURCES:

Luisa: Birth: "Lawsuit regarding the encomienda of Tlalnepantla" and "Lawsuit between Juan de Saavedra and Alonso de Estrada, his brother"
Marriage: Porras Muñoz, *El Gobierno de la Ciudad de México*, 412–15
Death: "Lawsuit regarding the encomienda of Tlalnepantla"

Jorge: Birth: "Rodrigo de Albornoz contra Nuño de Guzman," fol. 21v
Death: "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco"

Leonor: Birth: "Lawsuit regarding Teocaluyacan and Cayuca"
Marriage: *Epistolario de Nueva España*, vol. 7, no. 385
Death: "Lawsuit regarding the encomienda of Tlalnepantla"

Isabel: Birth: "Bautismo de Españoles," fol. 17v
Marriage: "Lawsuit regarding the encomienda of Tlalnepantla"
Death: "Autos seguidos por Francisco Calderon contra los bienes y herederos de Luisa de Estrada"

Jorge (II): Birth: Bautismo de Españoles," fol. 37r
Marriage: *Epistolario de Nueva EspañaI*, vol, 7, no. 385
Death: "Merits and services of Alonso Altamirano de Estrada"

Doña Luisa, the oldest surviving daughter of doña Marina Gutiérrez Flores de la Caballería and Alonso de Estrada, was born around 1513 in Ciudad Real, Spain, the birthplace of her father. It is clear that she received some education, because she was literate, but at whose hands, if not her mother's, is unknown. She spent her early years in her father's hometown, often without the benefit of his presence, for he received off-and-on assignments in Flanders, Málaga, and Cáceres, Extremadura.[1] When her father was reassigned to the post of royal treasurer in Mexico City, ten-year-old doña Luisa sailed to the New World with her parents and seven-year-old sister, doña Marina (II).[2]

We know nothing of Luisa's childhood in the family's adopted land, but that is not unusual, for few families of the day kept anything like a diary and no later documents are known in which doña Luisa might have reminisced about that period of her life. But certainly, as soon as the family disembarked at Veracruz, she met an entirely different cultural environment. During the months the family spent in the port city, one can imagine her exhibiting a child's curiosity about her surroundings, asking her mother endless questions, observing Indian faces, eating native foods, and beginning to accustom herself to her new life.

Once doña Luisa's new baby sister, doña Beatriz, was born in late 1523 or early 1524, the family began the final stage of its long journey from Ciudad Real to Mexico City. The two-hundred-mile road from Veracruz to Mexico City took the Estradas away from the hot lowlands of the coast, through the plains of Apan, over the Sierra Madre Oriental, still dusted with snow, and past the smoldering volcano of Popocatépetl into the Valley of Mexico. Their route closely followed the trajectory Cortés had taken four years earlier in his march from the coast to the capital of Montezuma's empire.

As doña Luisa looked at Mexico City through her child's eyes, perhaps it held no new wonders or excitement for her, its marvels and frights being only extensions of her experiences in New Spain so far. Or perhaps she absorbed the emotions of her parents, who faced the daunting challenge of helping to establish a Hispanic city among the natives of the Valley of Mexico. Regardless of her emotional response to the great city of Mexico, doña Luisa, as the oldest child, was expected to shepherd her sisters through daily tasks and exemplify for them proper Spanish behavior. She was no doubt their source for memories of Spain. Perhaps her strong will showed itself already in those early years as she dictated orders to her sisters and servants or comforted them in times of fear.

In any event, doña Luisa's time with her sisters in their parents' new home soon ended. Three short years after the family arrived in Mexico City, she was married to the bachelor Jorge de Alvarado, a conqueror of Mexico City who had fought alongside his brothers and Cortés. Jorge de Alvarado had been born into the minor nobility around 1502 in the Badajoz province of western Spain. His father, Gómez de Alvarado, was a member of the Spanish Order of Santiago, one of the most important religious-military orders. His mother, doña Leonor de Contreras, came from at least a minor noble family.[3] When doña Luisa married in late 1526 or early 1527, she would have been about thirteen.[4] By today's standards she was extremely young, but under Spanish law twelve was the legally sanctioned age at which a marriage could be consummated, and in the Estrada family early marriages were still common.[5]

In this marriage arrangement, Alonso and doña Marina exhibited their political shrewdness while Jorge leveraged the Estrada alliance to further his own career and social standing in New Spain. Allying their family with the Alvarados—"first conquerors," propertied in New Spain, and holders of public office—Alonso and doña Marina secured additional assurance of their family's economic and propertied success, both for their daughter and for any future generations. Alonso subsequently placed his trust in Jorge by naming him his guarantor in his will dated February 3, 1530.[6]

For his part, Jorge saw the advantage of marrying a doña from Spain with political connections to the Crown, an important social rank, and an avenue to enhanced economic possibilities. Indeed, when he reached the age of majority in the year of his marriage, Jorge was elevated by his father-in-law, Alonso de Estrada, in his capacity as acting governor, to the status of *caballero hijodalgo*

and to the position of commander of the city's dock-yards.[7] It is questionable whether Estrada had the authority to enhance his son-in-law's social status, but such moves were not uncommon in New Spain and often were recognized by the Crown in later royal decrees. The documentary record shows that Jorge was never referred to as "don Jorge," which may indicate that he was not officially granted his new status, although through his mother he could have claimed "don" at any time.

In 1510 Jorge had accompanied his brother don Pedro de Alvarado to Santo Domingo, most likely as a page, for he was only eight or nine years old. He had a long career as a conqueror, serving in Cuba, exploring the Mexican coast with Juan de Grijalba, and, along with his brothers, conquering the Aztec empire with Hernando Cortés. Later he served in Pánuco, Oaxaca, Tehuantepec, and Soconusco.[8] When don Pedro was named the *adelantado* for Guatemala, Jorge was quickly promoted to lieutenant captain general. He spent nearly three years between late 1523 and 1526 conquering the area and three more living there as a *vecino*.[9] He apparently moved back and forth between Guatemala and New Spain, where he served as a city councilman of Mexico City.

After Estrada's death in 1530, Jorge served as interim treasurer for nearly two years, between February 1530 and November 1531.[10] Upon whose recommendation he assumed this post is unknown, but given the intimate relationship Jorge had enjoyed with his father-in-law, perhaps the Crown felt that he was an appropriate replacement until a permanent treasurer could be named. However Jorge was chosen, the political connection through his wife's family was certainly an asset, as was his being the brother of an *adelantado*.

When the new treasurer, Juan Alonso de Sosa—Jorge's future brother-in-law—arrived, Jorge again returned to Guatemala. He was listed as a *vecino* of Santiago on December 20, 1533, and as its lieutenant governor in the following year.[11] The documentary record suggests that doña Luisa remained in Mexico City during Jorge's sojourns in Guatemala, handling at least one of his lawsuits regarding one-half of the *encomienda* of Guaspaltepec. Sometime in late 1534 or early 1535 Jorge returned to Mexico City for good. By October 1536 he was listed as a *vecino* of Tenochtitlan–Mexico City, as he was again in July the following year, when he stated that he was unable to go to Guatemala to testify during his brother's *residencia*.[12]

Leonor de Alvarado, doña Luisa's and Jorge's first child, was born in 1535, probably in their Mexico City home, eight years after the couple married.[13] It is possible that doña Luisa had previously miscarried or had children who died before being baptized. Or the unusual deferral of the birth of their first known child might have been a result of Jorge's multiple absences from Mexico City. Doña Luisa and Jorge subsequently had two other children. Isabel de Estrada y Alvarado was baptized on March 29, 1538, in Mexico City's cathedral, with doña Beatriz de Estrada (Luisa's sister), Juan Alonso de Sosa (Luisa's brother-in-law), Diego Gutiérrez (Luisa's uncle), and

Juana de Sosa (wife of don Luis de Castilla and Juan Alonso de Sosa's sister) as her powerful godparents. Pedro de Alvarado, the couple's third child, was born in 1539. After his confirmation he was referred to as Jorge.[14] For clarity, I refer to him in what follows as Jorge (II).

Jorge de Alvarado wrote a will on April 21, 1539, at the age of nearly forty, before departing for Spain to pursue lawsuits regarding his *encomiendas*, leaving his twenty-six-year-old wife in New Spain. He made another will on December 10, possibly to include his new child and male heir, Jorge (II). This will clearly was executed in Spain, because in it Jorge gave his power-of-attorney to his brother-in-law Luis Alfonso de Estrada, doña Luisa's older brother.[15] By June 1540 Jorge had won a favorable judgment from the Council of the Indies in at least one of his lawsuits, but he had little time to enjoy his victory. According to a witness's testimony taken in Mexico City, Jorge died in Madrid sometime between June 10 and December 23, 1540, and given the date by which doña Luisa knew of her husband's death, he most likely died late in the year. His grandson later stated that Jorge died in Sevilla, rather than Madrid, during that same time period.[16] In either case, Jorge never returned to New Spain. Not yet knowing of her husband's death, doña Luisa stood as godmother to Juan, son of Hernando de Bocanegra, on April 21, 1541, and Jorge, in absentia, was listed as godfather.[17] By May 1541 she had received news of her husband's death and his assignment of her as guardian of their children. She did not pursue official recognition of that role until a year later.[18]

In her mid-twenties doña Luisa became a widow with three children aged five and under. Most likely she resided at her mother's home, Porta Coeli, on Calle Hospital Nuestra Señora (Iztapalapa), along with her unmarried sister, doña Francisca, rather than in Jorge's house next door to her sister doña Ana and her husband, the royal treasurer Juan Alonso de Sosa. In any case, she was in residence on the Zócalo with doña Francisca at the time of their mother's death in 1551.[19]

When Jorge died, it was reported that his estate was worth between 70,000 and 140,000 silver pesos, valued in land, herds, mills, and personal property, and an *encomienda* that yielded 6,000 silver pesos per year in tribute. His properties were dispersed among the provinces of New Spain, Chiapas, and Guatemala. He also owned plots of land on Calle Iztapalapa, now modern Pino Suárez, in Mexico City.[20] Some of this net worth had come to him as tribute from Chalco and Xochimilco, famous for its floating gardens, both just southeast of Mexico City, along with Izúcar and Chietla in western Puebla (see maps 2 and 3). These *encomiendas* were held by his brother don Pedro de Alvarado. Jorge, however, had claimed ownership of Xochimilco, with its five thousand tributaries, even though all he had ever been given was permission to collect the tributes. These sources of income vanished for doña Luisa with the death of her brother-in-law in 1541, at which time don Pedro's *encomiendas* reverted to the Crown because he left no

legitimate heir. It was then that doña Luisa became a major participant in the preservation of the early colonial system of privilege in New Spain, entangled in a raging controversy over perpetuity, inheritance, and use of tribute from *encomiendas*.

The *encomienda* system in the New World gave individual Spaniards the right, within specified parameters, to demand from the native population tribute assessed in money, goods, or both, as well as labor.[21] The *encomenderos*, in turn, had the responsibility to abide by the Laws of Burgos and the New Laws of 1542, which systematically set forth a code governing the settlers of the New World in their relations with native inhabitants as tribute payers.

Encomenderos were enjoined to provide religious instruction to their charges by building a conveniently located church with a bell to bring the Indians to mass each morning and evening and by teaching them the catechism. The *encomendero* was to provide a priest for the church, who could be shared among several *encomiendas*. The Indians were to be congregated near Spanish communities and given clothing, chickens, and corn to sustain them until their own crops were established. For every fifty Indians, one boy was to be taught to read and write; he in turn would teach others. The *encomendero* was prohibited from using the Indians as load bearers, nor could he rent his charges out to other *encomenderos*. If the grantee did not adhere to these laws, he would be stripped of the *encomienda*.[22]

As time went on, Franciscan friars accused *encomenderos* of not fulfilling their duties, of amassing unlawfully large *encomiendas*, and of abusing the Indians. The priests argued that these blatant abuses should by law result in the loss of individual *encomiendas*.[23] The church presented its claims to the Crown, in the hope of outlawing the system altogether. Polarization between the priests and the *encomenderos* soon followed. Each faction had its proponents and pursued legal avenues before the king's councils, resulting in both successes and failures.

The beginning of a change of policy toward the *encomienda* had already been in evidence early in the reign of Carlos V. The Comunero Revolt of 1520–1521 was an uprising of Spanish nobles and other respected *vecinos* precipitated by "foreigners" (read Flemings) whom Carlos V installed in high positions upon his ascension to the throne. The king's cronies did little to ameliorate the animosity building among local nobles and much to exacerbate it. Carlos V felt betrayed by the rebel lords and thereafter looked askance at their power base, the Iberian *encomienda*, which had for all intents and purposes become permanent through custom rather than law.[24] As an example of the king's efforts in New Spain to eliminate the *encomienda* there, he ordered Hernando Cortés to stop granting *encomiendas* to Spaniards in 1523, but Cortés continued the practice anyway.[25] Because of vocal protests and threatened economic opposition to this loss of *encomienda*, which some Spaniards felt to be their right, the king eventually modified his royal decrees.

Rather than confront his nobility and risk a withdrawal of both their men and money for his numerous wars, Carlos V ordered continuation of the *encomienda* system in 1528. The strength and trend of economic and political winds determined the Crown's policies regarding *encomiendas* for the next thirty years.[26]

The principles of succession in *encomiendas* were laid out by royal order but circumvented by the authorities in New Spain. The original grantee of an *encomienda* was considered the "first holder" or "first life," with the right to bequeath the grant to his widow or children, who became "second holders" or "second lives." The Crown, having tried and failed to end the system altogether, in 1536 made another move to appease the *encomenderos*, granting them "two lifetimes," which meant that their children were again permitted to inherit the grant rather than see it revert to the Crown when the original grantee died.[27] But the Crown remained committed to escheatment, or reversion of grants to the king, aware that its ultimate control of Indian labor and tribute restrained Spanish settlers in their efforts to exert a certain amount of independence.[28] In 1542, with the enactment of the New Laws to protect the Indians, spearheaded by the Franciscan fray Bartolomé de las Casas, it was mandated once again that *encomiendas* would escheat to the Crown upon the deaths of the incumbent holders.[29]

Still, the matter of succession was not settled. The New Laws decreeing good treatment of the Indians were a major step forward for the humanist scholars in Spain, whose overarching plan was to abolish *encomiendas* and slavery within a generation.[30] In reality, though, the New Laws did not abolish the system, and they were not immediately implemented. Rather, the Crown tolerated Viceroy Mendoza's delays in implementation, choosing instead to expand the use of royal administrators to collect the tribute and to escheat individual *encomiendas* under any available pretext. The Crown's policy became one of erosion of the system rather than outright attack and abolishment.

In the meantime, the New Laws placed more restrictions on the remaining *encomenderos*, who were ordered to reside in the provinces of their *encomiendas*, however inconvenient and difficult that might be. All *encomiendas* held by royal officials during any time would immediately revert to the Crown, and excessively large holdings were to be reduced. Personal service by *encomienda* Indians had to end and be replaced with options for Indians to work for people of their own choosing in order to meet their tribute obligations. The most troublesome provision for incumbent *encomenderos* was Article 35, which stated that upon the death of the current *encomendero*, the grant to collect tribute and demand Indian labor would revert to the Crown.[31]

In the face of vociferous protests from *encomenderos*, Carlos V repealed Article 35 and instead allowed widows and children to inherit their husbands' and fathers' grants.[32] Francisco Tello de Sandoval, a member of the king's

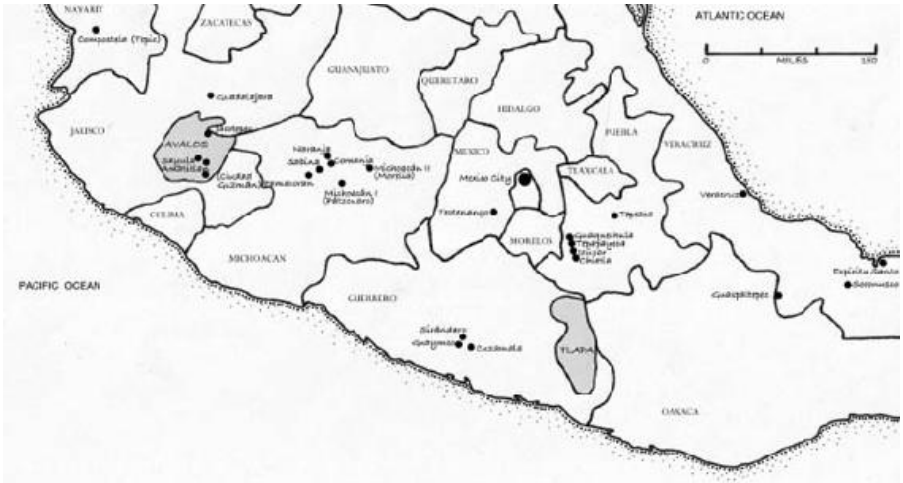
council, was persuaded to postpone altogether implementation of the New Laws, and additional decrees were issued between 1545 and 1551 to mollify the *encomenderos*. Nevertheless, *encomenderos* were no longer entitled to Indian labor but to tribute only, and they had no jurisdictional claims whatever. Basically, the *encomendero* was to become little more than a prestigious pensioner with dwindling resources.[33]

It was decreed on April 5, 1552, that all *encomiendas* were to revert to the Crown after "two lifetimes," even though the Dominicans pleaded for perpetual inheritance of *encomiendas*, for the sake of stability in New Spain and perhaps in opposition to the Franciscan point of view. Yet another royal policy statement in 1555 extended *encomiendas* to the "third lifetime."[34]

For doña Luisa, the preservation of the *encomiendas* in which she and her children had a stake was of paramount importance to their survival. As a recent widow, she was square in the middle of the great *encomienda* controversy raging in Spain and New Spain and was about to come into conflict with the New Laws of 1542. She needed to draw on all her resources to maintain control of an economic system under attack. Almost a decade after Jorge's death, she was faced with the fact that during Viceroy Luis Velasco's tenure, from 1549 to 1564, three-fourths of the *encomiendas* in central New Spain would escheat to the Crown. She was further challenged by the stipulation that widowed women could inherit *encomiendas* but in order to retain them had to remarry within a year.[35] Seldom was a woman permitted to remain single and simultaneously hold an *encomienda*. Doña Luisa was to be that exception.[36]

With her loss of the tribute from Chalco, Xochimilco, Izúcar, and Chietla due to the deaths of her husband and brother-in-law, doña Luisa was deprived of a large percentage of her previous income. She continued to protest the escheatment for several more years on the grounds that she was a widow with children to support. Yet even while her income diminished, she did not slip into penury as some widows of New Spain did, for in addition to several *encomiendas*, she remained in possession of the home on the corner near the Casas Reales that she had inherited after her mother's death, along with numerous black slaves.[37] Like other women of her class, she also embarked on limited commercial enterprises to supplement her income.[38]

At this time doña Luisa began her many years of lawsuits aimed at keeping control of the extensive and widely scattered *encomiendas* that she argued were rightfully hers, Jorge's, and their heirs'. She and Jorge had held four *encomiendas* in the Tlaxcalan bishopric, two in the Mexican bishopric, and five in Guatemala. Doña Luisa, in the mold of her mother and possibly with doña Marina's assistance while she lived, pursued her numerous cases in various courts. As it transpired, doña Luisa already had experience with escheatment of *encomiendas* before becoming a widow and knew something of what was required to protect them.



Map 3. Encomiendas of importance to the Estradas.

Just a few years after she and Jorge married, her husband's continued possession of his *encomiendas* came under attack by the *fiscal* of the *audiencia* of Mexico. During 1527 and 1528 Alonso de Estrada, as acting governor, had assigned Jorge one-half of the *encomienda* of Guaspaltepec, located on the border of the extreme eastern portion of the state of Oaxaca and western Veracruz, along with Soconusco, located in southern Veracruz.[39] One-half of Guaspaltepec alone had eighty thousand tributaries, and Soconusco was a center of cacao, indigo, and cochineal production.[40] Jorge's half of the Guaspaltepec *encomienda* was valued at forty-eight hundred silver pesos in yearly income.

Although doña Luisa was listed as a litigant in the couple's successful eleven-year lawsuit to retain their Guaspaltepec interest, it is unlikely that she was a principal participant in the early stages, when she was only about sixteen.[41] Her father most likely was in charge of the day-to-day legal wrangling while her husband was in Guatemala. What is important here is that she was involved at all and most likely was apprised of what documents she needed to sign to keep the case moving forward in her husband's absence. As the case wore on, she apparently became less involved until Jorge's death necessitated her direct participation in the final stages. Eventually, despite retaining Jorge's share of Guaspaltepec, doña Luisa suffered a much reduced income from that *encomienda*. In the 1560s it produced cacao worth 230 silver pesos a year, and by 1570 it counted only 350 tributaries, dramatically down from the 80,000 of the 1520s because of decimation by disease.

The final pursuit of the lawsuit to preserve Soconusco was much more doña Luisa's doing than the one to hold onto Guaspaltepec. During the tenure of the first *audiencia* of Mexico, Jorge lost Soconusco, but he continued to petition that body to restore it to him. Finally, in 1538 his goal was achieved, but as in most lawsuits of the times, the *fiscal* appealed, arguing that Jorge had

plenty of *encomiendas* and that royal mandates existed to reduce large *encomienda* holdings, which certainly applied to Jorge.[42]

After Jorge's death, doña Luisa enlisted the help of an attorney, Alonso de San Juan, to secure her hold on Soconusco. She was able to obtain a royal order directing the *audiencia* to look into her claim. The Council of the Indies had favored Jorge's claim, but the *fiscal* in Mexico City objected. After fourteen years of litigation, doña Luisa received news that the Crown had taken the *encomienda* for itself, but this did not stop her continued attempts at recovery. She then enlisted her courtier brother, Luis Alfonso de Estrada, living in Ciudad Real, to push her case forward, and again the case was reopened. Although I have no definitive documentary evidence, her efforts may have been unsuccessful, because in 1581 her grandson was again requesting that Soconusco be returned. Or perhaps she succeeded, only to have the decision overruled at a later time, so that later still her grandson was fighting his own battle for another "life" as *encomendero*.[43]

In addition to the *encomiendas* assigned by his father-in-law, Jorge had been granted several *encomiendas* in Guatemala late in 1523 by his brother, *adelantado* don Pedro.[44] As a *vecino* of Guatemala, he became, in 1533 and 1535, the *encomendero* of Quepanatitan, Totonicapa, Petlutla, Tequesistlan, and one-half of Atitlan and its subject villages.[45] Some time later Jorge complained that his Guatemalan holdings were taken from him by the Crown for no reason he could understand.[46] Only a year after learning of her husband's death, doña Luisa challenged those escheatments in court.

Early October 1542 found doña Luisa petitioning the Crown to return the Guatemalan *encomiendas*. Her argument was that they had been legitimately assigned to her husband by *adelantado* don Pedro de Alvarado, and his heirs were entitled to inherit the properties. She made her petition at the very moment when the future of all *encomiendas* was in limbo. She was being badgered by the *fiscal* to admit that on technical grounds the *encomiendas* could not be claimed by her or Jorge's heirs. She cleverly admitted no such thing, saying:

> Very powerful lords: I, doña Luisa de Estrada, wife of Jorge de Alvarado, state that it has come to my notice that a certain claim on behalf of me and my children concerning certain pueblos in Guatemala that was reviewed in the Royal Audiencia, has been responded to: that I must declare under oath to whom the said pueblos were entrusted. I have been informed that the said pueblos are vacated because Licenciado Maldonado, your judge, deprived [certain] persons [meaning Jorge's heirs] of them because of the death and demise of don Pedro de Alvarado and was holding them. [And] after Licenciado Maldonado, your judge, took them, he has not entrusted them to anyone, until he learns the wishes of Your Majesty. I cannot swear to anything else for to do so would be to swear to something

false. Besides which it is something I hold to be true and is publicly known. There is not anything else to the contrary. [signed] doña Luisa de Estrada[47]

Certainly she did not believe that they were not hers, and all she would admit to was that at the moment no one was the active *encomendero* of the *encomiendas* in question. Doña Luisa in this way refused to dispute directly with Maldonado over who, if anyone, should be *encomendero*. Because she understood that Maldonado was waiting for a decision by the Crown, she preferred to set her case before the king. In this regard, she sent her servant Diego Muñoz to Spain with gold, silver, and important letters on her behalf to help sway the Crown in her favor. Unfortunately, she suffered a setback in these efforts when Muñoz died and his executor refused to return or deliver the items. It took the Council of the Indies to order the executor's arrest for refusing her request before the items were delivered to the intended recipients.[48]

This case, like the others, dragged on. By mid-July 1543 the king ordered that the Guatemalan *encomiendas* be returned to Jorge's heirs, yet in less than a year they again reverted to the Crown. Álvaro Ruiz, doña Luisa's attorney in Mexico City, referred her entire case to Spain, where it continued to be litigated throughout the next several years.[49] Again the documentary record indicates that her grandson was petitioning for the return of the Guatemalan *encomiendas* as late as 1581, either on his own behalf or as a continuation of his grandmother's case.

Of Jorge's many holdings, only the *encomiendas* of Guaquechula, with twelve thousand tribute payers, and Tepapayeca, with seven thousand, both located in the modern state of Puebla, apparently went unchallenged by the royal bureaucracy. Upon Jorge's death in 1540, they went to doña Luisa along with a number of other *encomiendas* within the jurisdiction of Izúcar: Coatepec/Coatepeque, Chalma, and Tlapanala.[50]

Being entitled to tribute and actually receiving it were two different matters. Shortly after Jorge's death, doña Luisa requested protection from encroachment by Indians on her Coatepec *estancia*, situated in the area of the *encomienda* of the same name. In 1550 she petitioned the government several times for help and the legal muscle to force Indian tribute payers to deliver the tribute to her. From Guaquechula and Tepapayeca she wanted her requisite bushels of wheat and corn, and she complained that the Indians simply were refusing to work their fields to produce the required tribute. Apparently she had little sympathy for any extenuating circumstances, such as a probable substantial decline in the number of tribute payers and able-bodied farmers.[51]

In the late 1550s doña Luisa's *encomiendas*, like all others in New Spain, were again under attack by the Crown. With the accession of Felipe II to the throne in November 1558 came new efforts to end the *encomienda* system in order to alleviate some of the king's inherited economic troubles. The

encomienda system had already come under his jaundiced royal eye, not only for the perceived loss of Crown revenue but also because the system had repeatedly created a nearly independent nobility that could fund its own enterprises and give only lip service to the king and his court. These were the same concerns his father, Carlos V, had faced. Felipe II took the crisis occasioned by the shortfall of royal funds as an opportunity to kill two birds with one stone: to increase Crown revenue and to decrease the power of ever more independent nobles. Felipe recognized that an important source of income could be tapped in New Spain by the elimination of *encomiendas* and their escheatment to the Crown. The framework for this move was already in place in the 1542 New Laws; all that remained was to enforce those laws with vigor.

A 1562 royal order once again attempted to end the transfer of *encomiendas* to future generations by limiting grants to "second holders" only. At this time the "first holder" of the encomienda, usually a male, was allowed to bequeath it to a legitimate son or daughter, and if he lacked heirs, then to his widow. That person became the "second holder" or "second life." In numerous instances a first holder, in order to extend generational possession, renounced an *encomienda*, especially if it was to be used as dowry, only to have the viceroy reassign it to the bride-to-be or her future husband. The daughter then became the new first holder, often along with her husband, and was allowed then to pass it on to one of their children as "second holder." Such circumventing maneuvers often led to lawsuits instigated by the *fiscal* of the *audiencia* on the Crown's behalf.[52]

Because the *encomienda* system was the dominant economic and political institution in New Spain, Mexico City's city council, on February 17, 1564, granted permission for ten prominent *vecinos*, including two of doña Luisa's relatives, to write to Felipe II enumerating reasons for requesting the granting of perpetual *encomiendas* to conquerors and early settlers of New Spain and their descendants, in firm opposition to the dismantling of the system.[53] Of primary concern to *encomenderos* in the 1560s was whether the king would fulfill previous royal pledges permitting second holders to pass *encomiendas* on to their children or widows as "third holders" or "third lives," and so on in perpetuity. *Encomienda* grants were an extremely important and often sole source of income for grantees and afforded them an enviable position in society. The petitioners argued that perpetuity would Hispanicize native populations, stabilize New Spain through establishment of permanent settlements, and maintain a reliable source of income for the Crown. Doña Luisa thus was hardly alone in her legal battles to defend her *encomiendas*; it was her good fortune to have well-connected relatives fighting alongside her.

In addition to her husband's *encomiendas*, doña Luisa possessed considerable other property, consisting of the use of land and Indian labor from the Indians in Santiago de Tlatelulco, 160 acres on the outskirts of Cocoyula, 210 acres on the outskirts of Tepapayeca, an *estancia* of cattle and

horses on the outskirts of Valladolid (Morelia), an inn on the Toluca road four leagues from Mexico City, and nine houses and stores on the Zócalo inherited from her mother.[54]

The *encomiendas* of Teocalhueyacan (Tlalnepantla) and Cacuyuca, worth about five hundred silver pesos in tribute each year, also passed to the widowed doña Luisa upon her mother's death in 1551.[55] The Teocalhueyacan *encomienda*, site of the family's lucrative flour mill, was extensive. Even this inheritance was not without controversy and legal action. Over the objections of doña Luisa and her sister doña Francisca, Viceroy Velasco took it for the king upon doña Marina's death, fulfilling the royal decree to reduce the holdings of *encomenderos*. Francisco Morales, secretary for the *audiencia*, reported that doña Luisa's father, as a royal official, was never entitled to hold *encomiendas*, so she could never have been legally entitled to them, and the *audiencia* should not have acceded to her pleas to retain them. Morales insisted that all she could lay claim to were her husband's *encomiendas*, which at his death could have devolved upon their son.[56] Luisa counterargued that

> Marina de la Caballería, my mother, had been granted the pueblo of Teucaluyuacan and its subject villages by the king to enjoy for her lifetime. Until the day of her death the Indians of the pueblo had given her the tributes, provided services and [other] uses. According to the king's grant of succession, I, as the oldest legitimate daughter of a legitimate marriage, received the encomienda. Because there is no young male son in this land who seeks the succession of the Indians, it belongs to me. It has to be given to me according to the [king's] grant. . . . I ask and beg your lordship . . . to revoke everything that has been done and the illegal procedures in this case, so that I might be defended and protected in my possession. I ask and beg your lordship that you might look into it and employ brevity and before all matters, that I might not be dispossessed of my possession. I ask for justice and implore the royal official Licenciado Orvaneja.[57]

Because doña Luisa and doña Francisca had both shared in the tributes of Teocalhueyacan while their mother was alive, confusion arose on the part of the *audiencia* as to who actually had inherited it after their mother's death.[58] Witnesses disagreed over who was entitled to the grant, some saying doña Luisa, and others, doña Francisca. However, doña Francisca and her husband, Alonso de Ávalos, stated that only doña Luisa held the *encomienda*, thereby putting the controversy to rest, or so they thought. Although doña Francisca's husband agreed to doña Luisa's ownership of Teocalhueyacan, only two years later he hired a lawyer to look into doña Luisa's handling of the partition of the property of doña Marina and Alonso de Estrada, including their *encomiendas*.[59]

The *audiencia*'s *fiscal* persisted and took it upon himself to determine the true ownership of the grant of Teocalhueyacan, finally deciding that both sisters had legitimate claims to it. But despite this decision, the *fiscal* contended that doña Marina herself had not been entitled to the *encomienda* in the first place. Indeed, in 1546 the king's council, in the person of Ochoa de Aguirre, had reprimanded Viceroy Mendoza for not having taken *encomiendas* from families of royal governors and officials as mandated by the New Laws and reiterated by the king.[60] Then, after some reconsideration, the *fiscal* insisted that the evidence supported doña Francisca as the holder of the *encomienda*, because her mother had transferred it to her through her will.[61] Using that determination, the *fiscal* argued that when doña Francisca married Alonso de Ávalos, the *encomienda* should have escheated to the Crown, because her husband already was an *encomendero*. He then ruled that because doña Francisca was the youngest child, she could never have been the *encomendera* in any event. These legal maneuverings only further muddied the waters.

This dispute was important at the time because the Crown was attempting to limit succession of *encomiendas* to just "two lives." If doña Marina was the first holder and doña Luisa the second, then doña Francisca would have to be considered the third, and therefore the *encomienda* would escheat. In the end, doña Francisca gave up any claim to title in favor of doña Luisa. Even though the *audiencia* of New Spain ruled in doña Luisa's favor within a few years, the case dragged on for more than twenty. During some of that time she was listed as the *encomendera* and received tributes, and at other times she requested retroactive payment of tributes previously denied her. As might have been expected, doña Luisa continued to pursue litigation to preserve this *encomienda*.[62]

By 1555 or so the golden age of *encomiendas* was over, as is evidenced by the consistent rejection of doña Luisa's pleas during the 1560s. Through her lawyer, Juan Caro, she petitioned the *audiencia* for economic aid based on the deeds of her father and husband. Her answers to the resulting questionnaire included confirmation that she was supporting her three legitimate children and Jorge's natural child on meager incomes from Guaquechula, Tepapayeca, and Teocalhueyacan. She complained that Teocalhueyacan produced only a little wheat and corn, just enough for the Indians, and that repayment of a loan the family had received from the Augustinian monastery took most of the remaining income. The official 1560 report of *encomienda* tributes showed Guaquechula valued at 2,000 silver pesos a year in cash, petticoats, shirts, wheat, and corn; Tepapayeca at 2,000 silver pesos in cash, chickens, corn, petticoats, wheat, and shirts; and Guaspaltepec at 230 silver pesos in cacao (all these were in her son's name as heir to his father). Her own *encomiendas*, Teocalhueyacan and Cacuyuca, were valued at 1,750 silver pesos annually in cash, wheat, corn, and chickens.[63] No documentary record is known to date of her having received

any subsistence support from the *audiencia* in response to her petition.

It should not be forgotten that it was in doña Luisa's own best interest to postpone the partition of Jorge's property until absolutely necessary. And although Jorge (II) was heir to some of the *encomiendas*, she retained control of those tributes and fought the legal battles for more than twenty years, until her son reached his age of majority in 1564. As her children's guardian, she was entitled to the income from the *encomiendas* destined for her son, as long as she did not remarry and abided by the laws set down in the *Siete Partidas* governing the care of inherited property.

It was during the 1560s, when doña Luisa was in her late forties, that she either independently embarked on or aggressively continued the entrepreneurial endeavors of her mother. She, too, could see the writing on the wall and actively diversified. The January 3, 1561, minutes of the Mexico City council indicate that doña Luisa, like her mother, had wine shops on the Plaza Mayor, in addition to being a mill owner. Apparently, each woman enlisted help to manage the shops, for the records show that Lope Pareja had been employed by doña Marina, and doña Luisa employed Martín Ruiz. As late as 1564 doña Luisa regularly petitioned the city council for five-year licenses to operate the wine shops and her other stores, but each time she received only one-year permits.64

It is clear that doña Luisa followed her mother's lead in maintaining the diversification of her economic interests as a hedge against deterioration of the *encomienda* system and the loss of Indian labor. Although women of status were socially barred from most business activities, they both managed to operate small commercial establishments right from the front of their house, albeit with male employees.

Doña Luisa suffered two emotional blows in 1563. Both her sister doña Ana and her son, Jorge (II), died. She was made one of the executors for her sister's will and retained control over her husband's property that would have gone to their son the next year had he survived. She then requested from the royal *audiencia* the authority to have an inventory of her son's property made and presented this authorization to the city council of Puebla.65

In another economic sphere, the royal accountant Martín de Yrigoyen (doña Luisa's niece's husband) notified her in 1572, just before her death, that a liability was due the Crown from the time Jorge had served as interim treasurer in 1530, more than forty years before. It is unknown whether her heirs were saddled with this thorny accounting problem or whether, upon her death, the claim was dropped.66

Doña Luisa the widow was cut from the same cloth as her widowed mother. She successfully married her three minor children to important and "aristocratic" New Spain families. Jorge (II) and Leonor were married, respectively, to Catalina de Carvajal and Juan de Villafaña, children of Angel de Villafañe. Villafañe was an *encomendero*, a first settler, and a *vecino* of the highest rank. Doña Luisa arranged the marriage of her younger daughter,

Isabel, with a dowry of sixteen thousand silver pesos, to Juan Alonso Altamirano, the grandson of Cortés's cousin and a member of another important *encomendero* family.[67]

After a long, eventful, and challenging life, doña Luisa died in late November 1572, at the estimated age of sixty. She had never remarried and had assumed the role of matriarch of the Estradas when her mother died. In her will she named her oldest child, Leonor, as her heir, along with the children of her son, Jorge (II), and her daughter Isabel, both of whom she outlived. She instructed her executors, doña Beatriz de Estrada, her sister, and fray Diego de Vertavilla, prior of the San Agustín monastery, to divide her goods equally among her heirs. She added that to her sister doña Francisca would go the "casas tiendas de los portales"—the stores on the Zócalo—that she had inherited from their mother, doña Marina.[68]

Without doña Luisa's having presided over her own causes before the Crown, the *audiencia*, and whatever other courts would hear her, she and her children would have suffered financially and socially. Given the young age at which she became a widow—about twenty-seven—it might have been assumed that she would remarry to support her family and forego control of her husband's *encomiendas*. Instead, she, like her mother, refused to remarry as a requisite for keeping her property. She fought for her rights and those of her children in the judicial system and generally succeeded. She preferred independent widowhood in the house of her mother to marriage and probable silence and powerlessness in the home of a second husband.

It was certainly through her dogged efforts that the *encomiendas* of Izúcar-Tepapayeca and one-half of Guaspaltepec, along with income from the escheated *encomiendas* in Guatemala, continued in or were returned to the possession of her descendants into the seventeenth century, generating at least sixty-seven hundred silver pesos in annual tributes.[69]

Doña Luisa protected the *encomiendas* of her husband, Jorge, which would have passed into their son's control if not for his untimely death at the age of twenty-four. As a result, those *encomiendas* descended to her grandson, also called Jorge de Alvarado (Jorge III), the future governor of Honduras. Apparently, she continued to control them in her grandson's name until her death.

She remained the *encomendera* of record for her own *encomienda*, Teocalhueyacan, during her lifetime, and afterward it continued in the female line to her oldest daughter, Leonor, although there were disagreements between the heirs of doña Luisa's two daughters as to who was the rightful *encomendera*. Eventually, Angel de Villafañe y Alvarado, son of Jorge (II) and brother to Jorge (III), possessed it.[70]

Shortly after doña Luisa's death, her son-in-law Juan de Villafaña, the husband of Leonor, instigated proceedings to sell the slaves, horses, and other movable property that were his wife's share of the estate and to have the houses and stores on the Zócalo that had gone to doña Luisa's sister doña

Francisca transferred to him. By 1577 the husband of doña Luisa's deceased daughter Isabel, Juan Alonso de Altamirano, was selling a couple hundred acres on the outskirts of Tlalnepantla, in Calhuacán (next to the village of Corpus Christi) in the foothills of Cerro San Lorenzo, along with the oxen, heifers, houses, corrals, equipment, draft animals, and other livestock, for three thousand silver pesos. This piece of property may have been the *estancia* of Atzcapotzalco, which came to doña Luisa when she inherited Teocalhueyacan-Tlalnepantla from her mother and which she possibly used as dowry for her daughter Isabel. Juan Alonso de Altamirano claimed that he sold the property because of a loan held by the San Agustín monastery in Mexico City.[71] Despite doña Luisa's unflagging efforts to protect all the property rightfully hers and her husband's, her death allowed her sons-in-law to undo those efforts.

Widows in sixteenth-century New Spain found it difficult to sustain themselves, their families, and their honor unless they were willing to expand their economic activities into acceptable arenas or remarry. Real estate, black slaves, money lending, and small business endeavors were among the enterprises favored by respectable widows. Even doña Luisa, who was certainly in the upper class of Mexican society, found it necessary to venture into the business world.[72]

Before the end of the sixteenth century, *encomenderos* had lost most of their privileges and suffered a severe decline in tribute payers. Doña Luisa, however, managed to hold onto most of her family's *encomiendas* and pass them on to children and grandchildren. Although she was confronted with two opposing choices, both of which required that she remarry—remain an *encomendera* in her own name or lose control of the *encomienda* assigned to her underage children—she threaded her way through royal mandates, bureaucratic mazes, and social pressures to remain both an independent widow and an *encomendera* in her own right. She continued until her death to manage, control, and enjoy the *encomiendas* she and her children inherited. Although she was compelled to seek alternative sources of income from small businesses, she succeeded in maintaining the social and political status accorded to *encomenderos*. Perhaps if she had lived longer, she, too, would have transformed her *encomienda* holdings into real estate holdings, making the transition from *encomendera* to *hacendada* as others, including members of her extended family, were beginning to do.[73]

Figure 3.1. Signature of doña Luisa de Estrada. Source: June 25, 1572, carta de obligación,

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CHAPTER FOUR

DOÑA FRANCISCA DE ESTRADA OUTWITS A ROYAL OFFICIAL

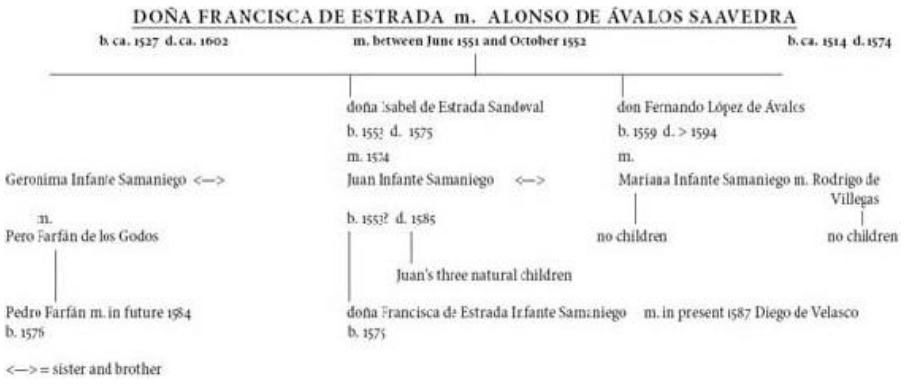
> In order to oppose me [Dr. Farfán] took [my granddaughter] from this city [Mexico City] to the province of Michoacán. Regardless of the fact that I have made petitions in the royal audiencia, asking that my granddaughter not be removed.
>
> —doña Francisca, November 17, 1587

As a widow, doña Francisca de Estrada, the fifth surviving daughter of doña Marina and Alonso de Estrada, exhibited all the traits of her noble counterparts in Spain when it came to the guardianship of her only grandchild. As the historian Grace Coolidge has shown, women of the nobility possessed the knowledge, the will, and the support of their relatives to effectively carry out the responsibility of ensuring the well-being of their wards as inheritors of the family lineage and property.[1] Through her parents, doña Francisca was a member of the minor nobility, and as such she was clearly steeped in a culture that valued determined, intelligent women who knew that knowledge was power. From the examples of her mother, doña Marina, and her sister doña Luisa, doña Francisca had learned firsthand that guardianship offered women, and especially widows, access to the authority necessary to shape family strategy.

In this regard doña Francisca employed every possible legal maneuver, political and family connection, and sleight of hand to thwart the designs—as she perceived them—that judge Dr. Pedro Farfán had on her granddaughter's rightful inheritance and marital future. She was the driving force behind a long legal battle to protect her own and her granddaughter's interests. The granddaughter, doña Francisca de Estrada Infante Samaniego, or "little Francisca," as I call her, possessed an enviable place in society and a

substantial inheritance. Both little Francisca's uncle by marriage, Dr. Farfán, and her grandmother had designs on her future. Farfán intended to further his own family interests, and doña Francisca's fortitude, skill, and knowledge thwarted those intentions in order to protect hers. The resulting friction revolved around family honor, reputation, money, and the laws governing guardianship of minors.

Chart 4.1


DOÑA FRANCISCA DE ESTRADA m. ALONSO DE ÁVALOS SAAVEDRA
b. ca. 1527 d. ca. 1602
m. between June 1551 and October 1552
b. ca. 1514 d. 1574
doña Isabel de Estrada Sandoval
b. 1553 d. 1575
m. 1574
don Fernando López de Ávalos
b. 1559 d. > 1594
m.
Geronima Infante Samaniego <—>
Juan Infante Samaniego <—>
Mariana Infante Samaniego m. Rodrigo de Villegas
m.
Pero Farfán de los Godos
b. 1553? d. 1585
no children
no children
Juan's three natural children
Pedro Farfán m. in future 1584
b. 1576
doña Francisca de Estrada Infante Samaniego
b. 1575
m. in present 1587 Diego de Velasco
<—> = sister and brother

SOURCES:

Francisca: Birth: "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego"
Marriage: "Lawsuit regarding Teocaluyacan and Cayuca"
Death: Hillerkuss, *Diccionario biográfico del occidente novohispano*, vol. 2, 98

Alonso: Birth: "Lawsuit regarding Teocaluyacan and Cayuca"
Death: "Merits and services of Alonso de Estrada and his son-in-law, Alonso de Ávalos Saavedra"

Doña Francisca de Estrada was the youngest child of doña Marina Gutiérrez Flores de la Caballería and Alonso de Estrada. She was born in 1527 in her parent's house on the Zócalo in Mexico City, about two years before her father died. She was raised by her widowed mother, who had four other minor children to care for at the time of Alonso's death.[2] Doña Francisca's mother, widowed at the age of forty, was burdened with all the matters of settling Alonso's estate, finding husbands for her unmarried daughters, and managing her extensive properties. Despite that, she clearly devoted time to the schooling of doña Francisca and to her proper upbringing as a privileged member of New Spain's elite society.[3] Not surprisingly, however, little has been documented regarding doña Francisca's activities during the years before she married. The earliest mention I find of her is as a godmother to her sister doña Beatriz's daughter Mayor in early 1546.[4] Doña Francisca was then a young woman of nineteen years.

A common Spanish tradition, persisting to this day, was for the youngest

female child to remain at home, unmarried, to care for her aging parents. If the parents lived to old age, that self-sacrificing daughter spent the remainder of her life as a spinster in the home of a sibling. This was not to be doña Francisca's fate. Although she continued living with her mother until doña Marina's death in 1551, within the year she married Alonso de Ávalos Saavedra, a widower.[5] Because she had barely reached her majority of twenty-five years, it is likely that she discussed her marriage plans with her widowed older sister doña Luisa, who had stepped into the role of family matriarch.

Doña Marina had provided for doña Francisca in her will by naming her co-recipient, along with her sister doña Luisa, of the tributes from the *encomienda* of Teocalhueyacan, a claim doña Francisca later vacated in favor of doña Luisa. Doña Francisca's dowry of more than ten thousand silver pesos might have been her share of her mother's estate.[6] With such a sizable dowry in hand, doña Francisca herself might have negotiated a favorable match, or perhaps she and doña Luisa worked together to attract the rich widower. Then again, Alonso himself might have been attracted to the young doña and envisioned starting a new life with this proper, well-to-do "Spanish" lady.

Alonso de Ávalos Saavedra, a cousin of Hernando Cortés, arrived in Mexico City in 1523 and four years later was one of its city councilmen. Alonso, a native of Medellín, in Extremadura, Spain, was the son of Pero López de Saavedra and Isabel Álvarez Rengel. He and his family were of some importance in New Spain, holding large *encomiendas* in Michoacán, one-half of the province of Teocuitatlan, and Chapala, with 10,920 Indian tribute payers in 1548.[7] He claimed residency in both Mexico City and Michoacán.[8] He and his brother were the *encomenderos* for the province of Ávalos, northwest of Mexico City, the second most valuable *encomienda* holding in New Spain after Cortés's Marquesado del Valle de Oaxaca. Among the agricultural and livestock activities of Alonso's *encomienda* were extensive wheat farming and the raising of pigs and sheep at Amatitlan, as well as a cow, mule, donkey, and horse operation at Jocotepec.[9] Sometime in the early 1540s he married Inés de Rivera and spent at least the next five years in Spain.[10] It is uncertain when and where Inés de Rivera died, but by 1552 the widower Alonso had returned to New Spain, claimed citizenship in Guadalajara, and married doña Francisca.

During nearly all her married life, doña Francisca lived in the province of Michoacán at the pueblo of Amatitlan, which is in the modern state of Jalisco, just southeast of Sayula (see map 3). Before her marriage, she in all likelihood had not traveled beyond Mexico City and so knew little of the remote countryside in which she would later reside. Her sister doña Beatriz, however, had lived in Guadalajara during the tenure of her husband, Francisco Vázquez de Coronado, as governor of the province in the late 1530s and early 1540s, and she could have apprised doña Francisca of what to expect.

The route doña Francisca probably took to her new home was first to Guadalajara, then south to Sayula and southeast to Amatitlan. The road to

Guadalajara was arduous as it left the Valley of Mexico, crossing mountain ranges and dropping down to the western highlands. The straight-line distance is more than 350 miles, and even on today's modern highways the ground distance is much longer. By the 1550s Guadalajara had grown in importance to become a bishopric with a cathedral. For doña Francisca, it would have been the urban center nearest to her husband's *encomienda*. As she made her way south to Sayula and Amatitlan, her journey took her alongside several large lakes, across many rivers that flowed to the Pacific, and finally to the valley in which Amatitlan lay.

Sayula, about eighteen miles from Amatitlan, was the political center of the province of Ávalos and perhaps afforded doña Francisca a larger social sphere than she might have imagined. The spoken native language of the area was Sayultecan, which was probably within the Nahua language group, making communication between doña Francisca and her local servants much less problematic than it would have been with a less familiar tongue.[11] Having been born and raised in Mexico City, with Nahua spoken around her everyday, she likely had learned some of the language from her nurse, the household servants, and any of their children.

The voice of doña Francisca remains secondary to that of her husband in the documentary record during her married life. She appears almost parenthetically in the 1550s during the legal battles with the *audiencia's fiscal* in Mexico City over whether the important *encomienda* of Teocalhueyacan would escheat to the Crown or remain in the Estrada family. In that lawsuit doña Francisca is seen to acquiesce to the advice of her husband and sister (see chapter 3). Similarly, in the legal wrangling among her siblings over her parents' estate, she is heard only through her husband. With the deaths of both her husband and daughter, though, all that changed, and the voice of doña Francisca rose loud and clear.

Her marriage to Ávalos Saavedra produced two children, Isabel de Estrada Sandoval, born when doña Francisca was twenty-six, and Fernando López de Ávalos, born when she was thirty-two. She had these births recorded by a servant in a small personal parchment book because no church baptismal records were kept in Amatitlan.[12] In 1574 her daughter, Isabel, with a generous dowry of twenty-five thousand silver pesos, married Juan Infante Samaniego in Sayula and took up residence on the Infante family estate near Lake Pátzcuaro. Juan Infante Samaniego, a city councilman in Valladolid (later Morelia), Michoacán, also came from an illustrious family and with royal permission established an entailed estate the year after his marriage to Isabel. At the same time, doña Francisca's son, Fernando, married Juan's sister Mariana Infante Samaniego. The Ávalos Saavedra siblings thus married two Infante Samaniego siblings.[13]

Sometime during the children's wedding year, 1574, Alonso de Ávalos Saavedra died, leaving doña Francisca a widow at forty-seven. Like her sisters, she was scarcely destitute. In order to return her dowry, Alonso

assigned the *estancias* of Amatitlan and Jocotepec to her in his will.[14] Apparently, during their married life Alonso, with doña Francisca's permission, had used her ten-thousand-silver-peso dowry to buy property or had otherwise invested it, and he was required by law to return its value to her upon his death. This suggests that the value of the *estancias* she received in payment was at least equal to the original value of her dowry.[15]

On September 22 the following year, 1575, with doña Francisca in attendance, Isabel gave birth to doña Francisca de Estrada Infante Samaniego, little Francisca, in the pueblo of Amatitlan. Little Francisca was baptized in the church of the *estancia* on the feast day of San Miguel, September 29, with Francisco Monteros and Juana de Sandoval as her godparents. Little Francisca's birth was recorded in the same parchment book as doña Francisca's own children's births. Sadly, in less than a month Isabel, having not quite reached her twenty-second birthday, died from complications of childbirth and was buried in Amatitlan. Doña Francisca was assigned guardianship of her infant granddaughter, probably as requested by her dying daughter and clearly with the consent of her son-in-law.[16] Considering the circumstances of Isabel's death, in all likelihood her desire for her mother to raise her baby daughter was expressed orally rather than as part of a written will. Coolidge, in her seminal work on guardianship in early modern Spain, cogently observed that the need for guardianship resulted from an often unanticipated family state of emergency.[17] Certainly this was the case for little Francisca and her father, who apparently felt ill equipped to raise an infant alone and placed his child in his mother-in-law's hands, perhaps to honor the wishes of his wife or to avoid the burden of being a single parent.

The legal precedence for such an arrangement was set forth in the *Siete Partidas*. A parent could designate a guardian for his or her underage children (a *tutor testamentarius*). If he or she died intestate, then guardianship fell to the next of kin (a *tutor legitimus*). Although the law stipulated that a guardian should be male, exception was made for mothers and grandmothers who promised to remain unmarried until their wards reached age twelve for girls and fourteen for boys, at which time a *curador* was to be named until the children reached their majority age of twenty-five. Indeed, in the absence of a testamentary designation, mothers and grandmothers were preferred over other members of the family. As Coolidge has shown, women were the first choice as guardians, even if this meant the laws of guardianship were not strictly adhered to.[18]

Doña Francisca made the commitment to remain an independent widow and care for her granddaughter. What is interesting in this case is that little Francisca's father apparently remained her legal guardian for the rest of his life, for I have found no record that he officially transferred guardianship to his mother-in-law. Doña Francisca's subsequent behavior does indicate, however, that she became little Francisca's official guardian after Juan died ten years later.

Her assumed guardianship, whether certified or loosely assigned, was subject to the mandates in the *Siete Partidas* guaranteeing that a smooth transition of property to its rightful underage heirs be guaranteed. The introduction to Title XVI of the sixth *Partida* states: "Sometimes those who inherit the property of others through relationship or by will are minors, on account of which it becomes necessary that they, as well as their property, be placed in good hands, so that what belongs to them may not be lost or diminished in value through their want of age."[19]

Throughout her tenure as guardian, doña Francisca took her responsibilities seriously. For eight apparently peaceful years she raised little Francisca in the province of Ávalos, but in 1583 conflicts arose between her and Dr. Farfán over the issue of who was better suited to manage little Francisca's future.

Licenciado Pero Farfán de los Godos, the antagonist of this story, was promoted from his professorship at the Colegio de San Bartolomé in Salamanca, Spain, to a judgeship in the *audiencia* of Mexico City in 1567.[20] Sometime in the early 1570s he married Gerónima Infante Samaniego, the other of Juan Infante Samaniego's two sisters (see chart 4.1). Dr. Farfán and Gerónima had at least four children, Ana Farfán, Catalina Infante Farfán, María Farfán, and Pedro Infante Farfán.

As a royal official, Farfán was prohibited from being assigned *encomiendas* but had every right to manage any property his wife might inherit. Unfortunately for Farfán, his wife had little chance of being assigned her father's *encomiendas*, for there were at least three brothers ahead of her in the line of succession. With ambitions to create an entailed estate for his only son, little Pedro, Farfán was tireless in his efforts to lay his hands on the property held in *encomienda* by his wife's family. His first opportunity came in 1578 when the oldest Infante Samaniego brother, Hernando, died without succession. A dispute ensued between Juan, doña Francisca's son-in-law, and Farfán in the name of his wife, Gerónima, Juan's sister, over who was entitled to their brother Hernando's entailed estate.

Farfán, exerting the full weight of his position as judge, claimed to possess Hernando's most recent will and codicil, in which his, Farfán's, wife was named successor. Juan challenged that claim, insisting that this will and its codicil contained irregularities and that a prior will, in which he himself was named as Hernando's heir, should take precedence. It took seven years of legal wrangling before Juan prevailed and obtained the entailed estate, despite Farfán's legal appeals.[21] Doña Francisca later referred to the same irregularities in Hernando's second will while pursuing her own case against Dr. Farfán.

Even before Juan's lawsuit was settled, Farfán employed another tactic to obtain rights to the entailed estates of his brothers-in-law, Juan and Hernando Infante Samaniego, as well as eventual rights to Juan's *encomiendas*. If Farfán could arrange a marriage between his son, little Pedro, and his niece, little

Francisca, then he would at last realize his dream of a Farfán entailed estate. One formidable opponent threatened to topple his well-laid plans: doña Francisca, little Francisca's grandmother.

In 1583, when little Francisca was eight years old, Juan Infante Samaniego revoked doña Francisca's guardianship and moved his daughter to Michoacán to live under his parental control. Doña Francisca, though displeased with the arrangement, apparently filed no formal objection. The legal grounds on which she lost custody of little Francisca are unknown, but the law might not have been an issue in her case, if her guardianship had been an informal arrangement with Juan. Guardians could be removed if they neglected either the ward or the ward's property, but I have found no legal document accusing doña Francisca of either sort of malfeasance. In all likelihood, she relinquished control of little Francisca on the basis of her son-on-law's appeals; perhaps she thought it in her granddaughter's best interest to reacquaint her with her father. It is also conceivable that Dr. Farfán had a hand in the revocation of guardianship, convincing Juan that little Francisca should be with her father—which might put her under Farfán's own thumb, subject to his machinations. The matter, however, did not end there. Doña Francisca's displeasure at the removal of her granddaughter from her care turned to alarm when she learned that shortly after little Francisca, now age nine, had been returned to her father, she had been married "in the future" to her cousin Pedro Farfán, age eight, and had gone to live in Dr. Farfán's house, along with her father and her future husband.[22]

Karen Powers, writing about sixteenth-century Spanish America, succinctly described marriage as a process rather than a single momentous event. After the Council of Trent's deliberations (1545–1563), the Catholic Church formalized its rules for marriage. First, the couple was betrothed through a verbal agreement, often referred to as being married "in the future." Second, marriage banns were publicly announced, usually three times, to permit members of the public or other family members to present objections to the proposed marriage. Third, a church ceremony was conducted in which the couple was married "in the present." Finally, and most important, the marriage was consummated.[23] These were the points on which doña Francisca would later rely to call into question the legitimacy of her granddaughter's "marriage" to little Pedro Farfán.

After learning of what had befallen her granddaughter, doña Francisca moved from Amatitlan back to Mexico City, probably to her family home on the Zócalo. The move was strategic. She likely calculated that she would be better informed of Dr. Farfán's maneuvers and machinations regarding her granddaughter if she was located in the seat of colonial power, near friends and allies and in the place where Farfán served on the *audiencia*. It is clear that she remained knowledgeable about the state of affairs in Michoacán as well.

On July 3, 1585, one month after winning quiet title to his brother

Hernando's entailed estate, Juan Infante Samaniego made out a will, but he stipulated that it was not to be opened until his daughter reached the age of twelve, which would be on October 2, 1587 (because of the shift from the Julian to the Gregorian calendar in 1582, her birthday changed slightly).[24] Sometime shortly after signing his last will, Juan died in Farfán's Michoacán house. At the age of ten, little Francisca became the possessor of two entailed estates, her father's and her uncle Hernando's, as well as the *encomendera* of her father's holdings of Comanja, Naranja, Sabina, and Pamacoran, all in the colonial jurisdiction of Valladolid (Morelia), in Michoacán near Lake Pátzcuaro and in the sierra.[25]

With the death of her son-in-law, doña Francisca became exceptionally concerned over the fate of little Francisca. Dr. Farfán had her granddaughter living in his house, betrothed to his son, and was poised to assume control over two entailed estates of considerable extent and value by means of the guardianship of his future daughter-in-law and parentage of her underage future husband. Doña Francisca presumed that only she could protect her granddaughter from Farfán's nefarious (to her mind) designs. As little Francisca's twelfth birthday and her promised wedding day approached, doña Francisca stepped in to put a halt to Farfán's manipulations.

After her father's death, Farfán had little Francisca removed from his household for the sake of propriety and to give the appearance that he exerted no untoward sway over her future. She was placed in the home of Francisco de Sarria, an "honorably married man" in Michoacán and presumably someone Farfán could trust to do his bidding. She apparently spent nearly two years with Sarria. In April 1587, six months before little Francisca reached the age at which she could actually marry her cousin Pedro, Farfán swore out a statement that he had been assigned in the will of his brother-in-law, Juan, the roles of *tutor* and *curador* of little Francisca and her property. How Farfán knew the details of Juan's will, when Juan had stipulated that it not be opened until his daughter reached the age of twelve, remains unclear.[26] Had Farfán in fact been present during its execution, had he dictated it, had he opened it without authorization, or was he simply lying about its contents?

With Farfán's public assertions concerning his guardianship of little Francisca, doña Francisca made her opening salvo to frustrate his scheme. Dr. Alonso Ruiz, an ecclesiastical judge in Michoacán, was sent—most likely at doña Francisca's urging—to question eleven-year-old little Francisca about the marriage arrangements with her cousin. Little Francisca stated that although she had felt both pressured to agree to marry her cousin and terrified of doing the wrong thing, she had had ample time (almost three years) to consider her promises. She would marry Pedro before the Jesuits, witnesses, and the ecclesiastical judge in the Pátzcuaro church. She acknowledged that her father, on his deathbed, had called her and told her not to marry anyone except little Pedro. She swore before Ruiz, "I have said it is my will and my father's because he ordered me and I swore to God and Santa María that I

would have no one else as my husband except don Pedro Farfán."[27] On June 11, San Bernabé's Day, more than three months before little Francisca turned twelve, the final marriage banns were read in Michoacán with no objections, and she and Pedro were pronounced "man and wife," despite the fact that neither party was yet of legal age to marry or to consummate the marriage. That the legal age for consummation was twelve for little Francisca and fourteen for Pedro meant that the final stage in the marriage process would be delayed, a delay that doña Francisca would soon use to her advantage.[28]

Nowhere in the proceedings is mention made that even if little Francisca could legally and officially marry her cousin in October 1587, Pedro himself, still only eleven, would have to wait three more years to consummate the marriage. One explanation for Farfán's obvious violations of ecclesiastical law—having little Francisca declared married before her twelfth birthday, and Pedro, before his fourteenth—was the control he exerted over the bishop of Michoacán. Perhaps he had come to some agreement with the bishop that little Francisca would be considered married when she reached twelve, that she would live in her "husband's" house, and that she would wait for him to reach fourteen before consummating the marriage. In any case, their marriage in the church was now to proceed.

Farfán's plan was unfolding exactly as he had hoped. Yet one other hindrance to the marriage had to be resolved. That was the degree to which the two children were related. The *Siete Partidas* forbade marriage between relatives to the fourth degree. Pedro and little Francisca, as first cousins, were related in the second degree.[29] Farfán was way ahead on this potential glitch. He produced a dispensation from Pope Sexto V, dated October 1, 1585, enabling little Pedro to marry little Francisca, probably covering both the issue of consanguinity and the age of the groom. Farfán most likely had petitioned the pope for this dispensation in 1581, when he traveled to Spain. It is clear from the timing of his request for papal dispensation that Farfán had had designs on little Francisca even before he lost his bid for his brother-in-law Hernando's entailed estate and before the death of little Francisca's father. When Bishop Juan de Medina Rincón, of Pátzcuaro, saw the papal dispensation, he agreed that there was no reason the marriage could not be finalized, since the parties were willing and the Catholic Church in Rome had no objection. Besides, he had been assured that the young couple would support his church with good works in exchange, presumably, for his favorable opinion and cooperation.

Both sides in the dispute over little Francisca's marriage appealed repeatedly to the laws governing betrothal and marriage, but those laws generally backed up the bishop and Farfán in their arguments for the marriage to proceed. More than half of the fourth *Partida* is dedicated to these issues. Alfonso X had gone so far as to characterize the importance of marriage when he said, "Therefore we have placed it [marriage] in the Fourth Partida of this book, that is in the middle of the seven, just as Our Lord placed the sun in the

fourth heaven which lights all the stars."[30]

The *Siete Partidas* mandated that marriage be a solemn and legal process. Each step along the way from betrothal to consummation was specifically laid out. Of the five legal methods of betrothal for a future marriage, the one most relevant in this case was a simple oral promise to marry, without specified conditions. Additionally, a legitimate marriage required the consent of the parties and carnal relations.[31] These issues of a legitimate betrothal and marriage all played a part in doña Francisca's strategy to prevent and override the machinations of Farfán.

While events were transpiring in Pátzcuaro, doña Francisca apparently was hard at work in Mexico City trying to prevent the consummation of the marriage. After an appeal to Dr. Sancho Sánchez de Muñón, ecclesiastical judge and vicar general in the archbishopric of Mexico, Diego de Mercado, *alguacil mayor* of Mexico City, was sent to Pátzcuaro in June 1587 to remove little Francisca from Farfán's influence. In all likelihood doña Francisca instigated this move when she became aware that the marriage banns had been or were about to be read in Pátzcuaro. In a last-ditch effort to keep little Francisca under his control and away from her grandmother, Farfán moved her from Sarria's house to that of doña Francisca Rincón, probably the sister of Pátzcuaro's bishop and a Farfán ally. He supposedly had little Francisca's consent for the move. Farfán's efforts failed, however, and little Francisca was retrieved from doña Francisca Rincón's house.

Farfán, though, continued pressing his claim with the archbishop of Michoacán, stating that he had consulted with all the proper authorities over the matter and that the marriage should proceed. Bishop Juan de Medina Rincón gave dispensation to Pedro to marry little Francisca in the Jesuit monastery in Pátzcuaro on San Bartolomé's Day, August 24, more than a month before her twelfth birthday. Legally, Farfán contended, the bishop was within his rights to compel the betrothed parties to marry, since the bishop could find no objection to the union. Farfán also requested that a pending petition for removing little Francisca from his guardianship be dismissed and that she be placed directly in his house. In this matter he was unsuccessful, although he maintained close connections to the people who were housing his niece.[32]

In the meantime, little Francisca had been returned to Sarria's house by order of the Mexico City ecclesiastical judge and was held incommunicado. Technically free from the watchful eyes of either Farfán or her grandmother, she was scheduled to be questioned again to ascertain her own wishes regarding marriage. On July 6, 1587, a month after she was questioned by ecclesiastical judge Dr. Alonso Ruiz, a petition was presented in the name of eleven-year-old Pedro Farfán. "His" complaint was that "some persons were attempting to request a legal proceeding so that doña Francisca Infante, his wife, might be able to contract a new marriage with someone else, but that would not be possible because she was married to him."[33] And besides, "he"

continued, the whole affair was before the bishop of Michoacán, and that was where the matter should be heard, not in Mexico City. It seems plausible that Farfán knew the details of doña Francisca's latest gambit to prevent the marriage—having her granddaughter moved to Mexico City—and took this action to thwart it.

By early August doña Francisca had succeeded in placing little Francisca in the house of New Spain's postmaster, Martín de Olivares, in Mexico City. With little Francisca close by, doña Francisca now countered Farfán's assertions, stating that her granddaughter was not married to little Pedro, nor could she ever have married him. Little Pedro, the potential groom, did not have to take doña Francisca's word but had only to ask little Francisca herself. If he would do that, he would discover that little Francisca did not intend to marry her cousin at all.

To back up her declarations, doña Francisca, through her lawyer, Andrés Pérez de Ayala, presented a multifaceted petition before the ecclesiastical judge of the archbishopric of Mexico. In it she accused Dr. Farfán of having contracted a dubious marriage between his son and her granddaughter, without her consent. The deaths of both of little Francisca's parents, she claimed, placed her guardianship in doña Francisca's hands. Further, she contended that Farfán had attempted to enlist someone with no legal authority to authorize the marriage—presumably she meant Bishop Medina Rincón. She asserted that little Francisca could not marry Pedro because he was her first cousin. She claimed that her granddaughter had been coerced into making statements regarding her arrangement with Pedro. She also knew, her lawyer wrote, that Farfán wanted to restrict little Francisca's freedom and marry her to whomever he chose. Doña Francisca requested for her granddaughter a *curador ad litem*, a guardian during a legal controversy, someone who would defend her without prejudice. She asked that Juan Pérez de Donis, *vecino* of Mexico City, be that *curador*.[34] Lying in bed because of either illness or indisposition, little Francisca agreed that she wished to have Donis as her *curador ad litem*.

Underage Pedro, in the person of his representative, Francisco de Hoyos, countered doña Francisca's allegations. He said it was publicly known and that his relatives all knew he and little Francisca were married, that they had a married life, having slept in the same bed. He insisted that little Francisca had not been coerced into this arrangement and that she was obliged to continue the marriage. Furthermore, all her property should be restored to his control.[35] There is little doubt that young Pedro was simply mouthing the demands set forth by his father, Dr. Farfán, who was insistent on assuming control of little Francisca's property.

The two representatives of the conflicting parties, Donis and Hoyos, continued negotiations as the clock ticked down to little Francisca's twelfth birthday. Hoyos, for Pedro, asked that the girl be removed from the postmaster's house and placed in a monastery, away from undue influence, by

which he meant, presumably, her grandmother's. Donis requested permission to speak with little Francisca to learn her wishes, but Hoyos objected.[36]

Hoyos, Pedro's lawyer, won this legal point, and on September 12 little Francisca was ordered to the Mexico City monastery of San Agustín, where she usually attended mass. In her new place of "deposit," or temporary custody, only five blocks from her grandmother's house, she was asked whether she knew about the lawsuit initiated on her behalf to free her from marrying Pedro Farfán and whether Donis was her representative in those suits. She acknowledged the truth of those questions and signed her name.[37]

Having little Francisca "deposited" in this particular monastery was another clever move by doña Francisca. If Hoyos thought little Francisca was being placed in a secure environment, free from family influence, he had neglected to do his homework. Doña Francisca's sister doña Beatriz was intimately connected to this monastery, would have had access to her grand-niece, and could easily have acted as a go-between for her sister.

Having made her statement without "undue influence," little Francisca remained at the monastery a while longer and was then transferred to the house of a widow named Bernaldina del Castilla.[38] Perhaps this move was precipitated by Hoyos's learning of little Francisca's proximity to her aunt. Both little Francisca and her new host were instructed that she was to have no contact with the ladies of the house, nor was she to discuss her case with anyone. Donis objected that she was being unfairly restricted in that "deposit" and at the same time asked to see the papal dispensation that Farfán claimed to possess, giving license for the cousins to marry. Doña Francisca was convinced that only through ecclesiastical bribery had Farfán been able to obtain the necessary dispensation. Farfán complied on October 2, the official day on which little Francisca came of age to fulfill her promise to marry his son.

Probably on that same day the will of Juan Infante Samaniego was officially opened and read, as had been his wish. In the will, executed more than two years earlier, he endowed many masses for himself, his parents, and his deceased wife, Isabel. He acknowledged his three natural children, Juan Infante Samaniego, Catalina Samaniego, and Hernando Infante, but designated none of them as heirs. Instead, he named his legitimate daughter, little Francisca, as his universal heir on the condition that she marry Pedro Infante Farfán, his nephew. If she did not carry out his wishes, she would lose one-fifth of the property, and upon her death the property she did inherit would go to Pedro, if she was without heirs. Juan purposely excluded his mother-in-law from any of the property and denied doña Francisca any future guardianship of little Francisca, citing her supposed mismanagement of little Francisca's maternal property when she was her guardian. He instructed that doña Francisca was to have nothing to do with her granddaughter and that Dr. Farfán was directed to take over the management of little Francisca's affairs even after she reached twenty-five, the legal age of emancipation. Her affairs

were always to be under the thumb of Farfán.

The will continued with detailed instructions for his daughter. If little Francisca married Pedro, then their oldest son would inherit the entailed estates. If the couple died without heirs, then Juan Infante's niece, little Pedro's sister Ana, would inherit. If Ana had no heirs, then the property would go to Catalina Infante Farfán, another of Pedro's sisters, and if not to Catalina, then to the third of his sisters, María Farfán. If the property did not go to Juan's niece María, then it would go to his nearest relative, his sister Gerónima. If not to Gerónima, then to Juan's brother Pedro. If not to Pedro, then to any other children of Farfán and Gerónima or to any children of Juan's brother Pedro. Juan's detailed designation of successive heirs was certainly meant to ensure that the Samaniego entailed estates would remain in the Farfán family. Juan revoked any previous wills and named Farfán as guardian of his natural children.[39] The listing of mostly Farfán successors to Juan's property solidified doña Francisca's conviction that her granddaughter was simply a pawn in Farfán's hands.

Little Francisca's birthday and baptismal day both passed without a resolution between doña Francisca and Dr. Farfán. At the home of Bernaldina del Castillo, Dr. Sánchez de Muñón questioned little Francisca on the morning of October 6 to ascertain her preference, given the options provided in her father's will. The ecclesiastical judge was duty bound to determine what little Francisca wanted, because of changes in church doctrine.

Augmenting the civil laws of the late thirteenth century, changes regarding marriage were afoot in the Spanish Catholic church in the sixteenth century. With what was perceived as the Protestant threat looming in Europe, the Council of Trent, during its numerous, protracted, and often contentious sessions between 1545 and 1563, determined, among other issues, to differentiate its doctrine from those of the Lutherans and Calvinists. The Protestants favored predestination to explain the actions of men, whereas the Catholics advocated free will. This conclave pronounced marriage a sacrament, allowing that those who wished to marry were free to choose their own mates, even if it meant ignoring the wishes of parents. Children could not be threatened physically or disinherited if they chose their own partners.[40] Spaniards, however, had been operating under the *Siete Partidas* for several centuries before the Council of Trent and were already familiar with principles of consent and free choice. Because Spain's civil codes and ecclesiastical laws had often blurred into one legal system, the "new" Tridentine paradigms made little difference in Spain and its colonies, but they did reinforce and clarify already extant laws, bringing them, when applicable, in line with church doctrine. Legally, for little Francisca neither the sacrament of marriage nor the *Siete Partidas* could be overridden by threats in her father's will.

She told the ecclesiastical judge that she did not want to marry Pedro and had previously said yes because of Farfán's pressure. Only since *alguacil*

mayor Diego de Mercado had brought her to Mexico City had she been able to state her wishes freely. As little Francisca reported, "at the time her father delivered and ordered his will, he was very ill in bed and did not possess sound judgment." She contradicted Farfán's claim and her own earlier statement by now reporting that "my father did not order it [the will] [to be] prepared, but rather Dr. Pedro Farfán [my] uncle because, as has been stated, he arranged the will and not [my] father." Further, she swore, if her father had wanted her to marry Pedro, he would have told her himself, in person.[41] These assertions certainly contradicted her earlier statements.

Doña Francisca promptly expanded upon her granddaughter's claim that her father's will was fraudulent. She especially took umbrage at what seemed obvious to her as Farfán's blatant greed and deceit. Doña Francisca insisted that it was not the intent of her son-in-law's will to enrich Farfán and provide sizable dowries for his own daughters. Clearly, she contended, Farfán was after her granddaughter's entailed estates and, through his son, Pedro, wanted to take charge of little Francisca's property. Farfán's intentions became perfectly clear, she pointed out, when one looked at the succession of Juan's property, all to Farfán's own family, persons Juan Infante Samaniego did not even know. She assured the royal court that her request was "not being made out of malice," but only from a sense of what was legal and just.[42]

Within a week after doña Francisca made her objections, Bernaldina del Castilla, who was keeping little Francisca under lock and key, informed the ecclesiastical judge, Dr. Sánchez de Muñón, that Diego de Mercado had come the previous night and taken the girl to her grandmother's house. Farfán, upon learning of this development, strenuously objected that at her grandmother's house little Francisca would be unable to speak freely and that her grandmother wanted to marry her to someone else. Donis, doña Francisca's attorney, countered Farfán by noting that little Francisca, at the moment "sick and *sangrada*" (possibly having been bled or having her monthly period), was now twelve and could decide for herself what should happen to her. The ecclesiastical judge threatened little Francisca with excommunication if she married before the matter was formally resolved. Another two weeks passed with each side arguing its points, and still the *audiencia* reached no decision.

On October 27 Dr. Sánchez de Muñón ordered little Francisca to leave her grandmother's house and return to Bernaldina del Castilla's. The events that transpired next were told by several witnesses who were present. On the evening of October 28, at nine o'clock, don Lope de Sosa, a nephew of doña Francisca's, came to her house with several other men to collect little Francisca, who was dressed for travel, ostensibly to return her to doña Bernaldina's house. Instead, they rode with her to the house of Dr. Dionisio de Rivera, a curate.

In the meantime, don Diego Fernández de Velasco, the brother-in-law of Viceroy Álvaro Manrique de Zúñiga, marqués de Villamanrique, was waiting upstairs in the Rivera house with two of his retainers. Earlier, when don Diego

had arrived, the priest had demanded to know what he wanted at that late hour of the night. Don Diego replied that it was a matter of conscience and regarded a marriage. The curate, Rivera, attempted to leave in order to consult with the ecclesiastical judge, but don Diego detained him. The curate said this was a new way of getting married and he could not consent to it. Don Diego then said he wasn't seeking his consent but just needed the curate as a witness to what was going to happen.[43]

Over the objections of the priest, who found the whole scene highly irregular, don Diego asked little Francisca, who by this time had arrived at the curate's house, if she wanted to marry him. With eight or nine of her family members and don Diego's retainers acting as witnesses, she replied that she did. The question was repeated two or three times, always with the same answer. The couple then lay down together in the priest's house, as witnessed by those present. Rivera protested that don Diego needed a license to marry, but don Diego said that the deed was already accomplished, and if the ecclesiastical judge wished to find him he would be at doña Francisca's house in bed with his wife. Then don Diego put little Francisca back on the horse she had come on and rode to her grandmother's house, where he took her to bed amid the joyous celebration of her relatives.

Three days later, don Diego Fernández de Velasco and doña Francisca de Estrada Infante de Samaniego asked for a license to marry legitimately in the church with sufficient witnesses. They reiterated that they were de facto married. Dr. Sánchez Muñón asked for all the previous testimonies, to which the couple replied that only in the court of the Holy See, or in front of the pope's delegate, or before the king would they present their case. Attorney Donis asked a week later that a dispensation be granted regarding the reading of banns and that the couple be allowed to receive the church's benediction, averting excommunication.

Doña Francisca had chosen wisely and accomplished her goal of thwarting Dr. Farfán. Don Diego Fernández de Velasco, son of the fourth viceroy of Peru, had arrived in Mexico City in 1585, just two years before his marriage to little Francisca. He had come in the company of his sister and her husband, the new viceroy of New Spain.[44] Judging from his service record, he must have been at least twenty-five and so was a legal adult. He was of an age to marry without permission from anyone and was not related to little Francisca in any degree.

Clearly, don Diego was emboldened to defy both the church and the state in marrying little Francisca in this manner. With the respect to which he was entitled as son of one viceroy and brother-in-law of another, and with himself now *alguacil mayor* for Mexico City as well as having important connections at court, he trusted that the irregularities of his marriage could be smoothed over at some point in the not too distant future.[45]

Doña Francisca had little time to savor her victory over Dr. Farfán. Their disputes extended beyond the Velasco-Samaniego marriage. Two weeks later,

on November 17, 1587, she was obligated to bring a defensive suit against Farfán's charges, in which she justified the final outcome of little Francisca's guardianship case. She once again laid out all the grievances against Farfán and used every available legal stratagem to bolster her defense. Contending that Farfán's entire case was replete with egregious irregularities and that nothing in his petition was true, she begged the *audiencia* to "punish Dr. Farfán for his excesses and crimes . . . and silence his pretensions of administering [little Francisca's] property."[46]

Doña Francisca went straight to the heart of the matter: the death and will of her son-in-law. She accused Farfán of fraud. Farfán had taken Juan Infante Samaniego to his house, where he fell suspiciously ill. Doña Francisca wondered in her complaint why no one except Farfán had been allowed access to Juan during his final days. Then, according to doña Francisca's claim, Farfán caused Juan to prepare a new will and a forced codicil, without consulting her or allowing any of her relatives to speak with Juan. Shortly after the will was made, Juan died. She claimed that it was widely thought that Farfán had something to do with Juan's death, because so many codicils were made to Juan's will favoring Farfán and his children. She asserted that Juan had executed a letter before his own scribe, free from Farfán's control, passing his entailed estates to his daughter, but did not register it. Because it was not registered, Farfán tore it up and subsequently tricked Juan into placing him, Farfán, in charge of little Francisca and her property as her *tutor* and *curador*.

Doña Francisca reminded the *audiencia* that strict rules for executing a will were enumerated in the sixth *Partida* and that Farfán had failed to follow them. According to the laws, reliable and knowledgeable witnesses were required, and codicils were questionable if executed under suspicious circumstances, especially when strangers were named as heirs. Doña Francisca pointed out that the naming of Farfán's relatives as successors to her granddaughter's entailed estates was certainly suspicious and that they qualified as "strangers." She highlighted the inconsistencies in Farfán's claim that he was on intimate terms with his brother-in-law. How was it to be believed, she asked, that Juan, who had fought with Farfán over Hernando's estate, would suddenly have been willing to give complete control and succession to him and his family in preference to his own daughter?

Continuing her legal points, doña Francisca reiterated that the treatment of little Francisca by Farfán was unconscionable and abusive. Not only had Farfán convinced her son-in-law to remove her granddaughter from her protective guardianship, but he also had had little Francisca married "in the future" to his only son. She brought to the attention of the *audiencia* that Farfán had "placed [her granddaughter] in five 'deposits,' distressing her and inducing and coercing other people to induce little Francisca to accept this future marriage . . . without considering her wishes."[47] She went on to say that upon the death of her son-in-law, little Francisca should have been returned to her guardianship, because she was the girl's nearest relative. If the self-

serving ecclesiastical judge in Michoacán, Alonso Ruiz, and Farfán had been blocked from obtaining this illegal guardianship, little Francisca would have been spared all her subsequent traumas. That doña Francisca had had little Francisca physically removed from Farfán's control was only within her legal rights as grandmother, not to mention consistent with her duty to protect little Francisca's well-being.

Not only had little Francisca been coerced into a future marriage, doña Francisca continued, but she had been taken to the church "at three in the afternoon on San Bernabé Day, at the hour of mass, married in the future, all on a day of fiesta, when no one was about, without relatives and without having reached the age of puberty." She stated further that "ecclesiastical judge Ruiz knew that don Diego de Mercado, *alguacil mayor* of the court, was coming to put her granddaughter at liberty and to put an end to her 'deposit' under the royal order of 1575, which stipulated that no judges or their children are permitted to marry anyone from this land, unless approved by the royal council."[48] Despite this knowledge, Ruiz had permitted the ceremony to continue. She also emphasized that Bishop Medina Rincón had circumvented even church law by publishing the banns and performing the ceremony all on the same day.

Doña Francisca also offered compelling arguments in favor of her decision to marry little Francisca to don Diego. She reasoned that a marriage to don Diego Fernández de Velasco "por palabras presente" (by words in the present moment) was in the best interest of her granddaughter, and that a marriage to little Francisca's first cousin Pedro was not.[49] Doña Francisca ended her carefully considered arguments for the case against Farfán and signed the document in her beautiful hand.

The newlyweds, don Diego and little doña Francisca, had legal standing to foil Farfán's plans on at least two counts. The *Siete Partidas* allowed for the annulment of a betrothal if someone carried off the betrothed and lay with her or if the fiancés were within the fourth degree of affinity.[50] The most compelling argument in their favor was that a marriage "in the present" trumped a marriage "in the future." Farfán could probably have sought damages, but it appears that if he did, he was unsuccessful.

After these months of intense negotiation and the final thwarting of Farfán's plans, the principals proceeded with their lives. But let us not forget the central figure in this custody battle, little Francisca, who appears to have been a pawn of both Farfán and her grandmother. At the young age of nine she was betrothed and reportedly "sleeping" with her eight-year-old future husband. One cannot assume that either of the children understood the ramifications of their situation, nor could they have fully given their consent to the arrangement. For more than six months little Francisca had been shuttled between houses in Michoacán and Mexico City, where she was forbidden to talk with anyone. She was placed with people who were not kin and whom she had probably never met before. One can only imagine the

anxiety these actions caused an orphaned eleven-year-old. Her hasty marriage to an older man, don Diego, whom she might have known for only a few weeks, could only have added to her distress.

Although little Francisca was encouraged from time to time to express her wishes in the matter of whom to marry, clearly she had no real choice and vacillated between what her various relatives desired for her. Her irresoluteness most likely arose from a desire to please others, rather than from fickleness in choosing a prospective suitor, and assuredly it reflected her inexperience and youth. Doña Francisca might have tried to soothe her granddaughter through all these upheavals and assure her of the wisdom of her own plans. It was not out of the ordinary for a twelve-year-old to marry, and under these circumstances little Francisca seems to have managed extraordinarily well.

In 1588 Dr. Farfán had license to go to Spain, quite possibly to have the legitimacy of the marriage between his son and little Francisca ratified. No evidence exists that he was able to convince the authorities of his claim; little Francisca did not forfeit her father's entailed estates, nor was her marriage to don Diego put at risk. Farfán was transferred to the *audiencia* of Lima in early 1594 but never assumed that position.[51]

The thirty-three-year marriage between little Francisca and don Diego Fernández de Velasco was to all appearances a successful one. By the late 1590s and early 1600s don Diego had been named, successively, governor of Yucatan, governor of Mérida, and governor of Cartagena. By 1615 he was the governor and captain general in Tierra Firme and Veragua and president of the *audiencia* in Tierra Firme.[52] By June 30, 1620, don Diego was dead, having reached at least the age of fifty-eight, and the forty-five-year-old "little" Francisca was requesting one-half of his annual salary, the customary award for widows of highly placed officials.[53]

Doña Francisca lived for about another fifteen years after securing an advantageous marriage for her only grandchild. She had already settled property issues with her son, Fernando, in 1579, after Alonso's death, ceding to him her lifetime usufruct from the Amatitlan and Jocotepec *estancias* in exchange for roughly twenty-two thousand silver pesos and the tribute from Sayula.[54] She also had rights to demand Indian labor from the pueblos of San Juan and Santiago, both in Tlateloco, Mexico City.[55]

Like her sister doña Luisa, doña Francisca continued to pursue her lawsuits to obtain some share in the *encomiendas* that were her husband's and that were lost through the divorce of her son from little Francisca's aunt Mariana. Doña Francisca was unsuccessful in these attempts, and as settlement for dowry issues the Ávalos *encomiendas* passed to childless Mariana, who remarried Rodrigo de Villegas. Despite the prohibitions in the New Laws against anyone but the *encomendero* receiving a share of tributes, doña Francisca was awarded three hundred silver pesos in income each year for life from the Ávalos *encomiendas*.[56] This small but important victory

provided additional income for her support and somewhat vindicated her claims to her husband's *encomiendas*.

Doña Francisca de Estrada fiercely and tenaciously protected the assets of her family. Not only was she not to be bested by the likes of Judge Farfán, whatever his claims and machinations, but she also was unintimidated by his power or that of the church hierarchy. Her attacks on the various claims by Farfán and his church allies were direct and to the point. She called Farfán a liar and forger and accused clergy of complicity in supporting his deceitful claims. She cleverly maneuvered her granddaughter's custody until the girl was finally under direct protection in her own house. She managed to find a suitable husband for her, one far better placed than Farfán's son, in don Diego Fernández de Velasco. The record is silent about how she managed this part of the affair, but witnesses clearly stated that don Diego was a willing participant. He certainly was aware of what his new wife could bring to the marriage in both wealth and family connections, which would have augmented his already high standing.

Doña Francisca had a remarkable grasp of the laws that could bolster her claims against Farfán. She hired a competent lawyer and worked closely with him to carry her cases forward. Although she was a woman alone, she was not without connections and influence. Despite Farfán's allegations that her family was far inferior to his own lofty antecedents, the Gothic kings of Castilla, she reminded both the *audiencia* and the church that she, too, had illustrious relatives. Through birth and marriage she claimed connections to royalty, royal officials, and "first conquerors."[57]

Doña Francisca understood that the path to continued power, influence, and wealth was through property, *encomienda*, and, in this case, control of property through guardianship. Land and Indian labor were nearly the only means of support for nonworking Spanish gentlemen and gentlewomen, and they were intimately tied to one's social position. Doña Francisca chose to remain an independent widow in order to protect her high status and that of her family.

Although she was not alone in colonial New Spain in choosing independent widowhood, she was among only a handful of very powerful widows there. Not unlike her mother, doña Marina, and her sister doña Luisa, she was relentless in her efforts to protect her family's status and property. For doña Francisca there might well have been an added element of stubbornness and an unwillingness to let a man, however powerful, outwit her. To her credit, she succeeded.

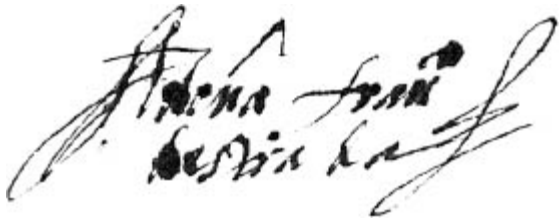


Figure 4.1. Signature of doña Francisca de Estrada. Source: AGI, Escribanía de la Cámara 163B, N.10, Pieza 1.

CHAPTER FIVE

DOÑA BEATRIZ DE ESTRADA CHOOSES PRAYER

> She [doña Beatriz] kept busy, completely giving herself to God with such severe penitence and the rigor of the spiritual life, that she was equal there [in the convent] to the most perfect young people, spending the little income that remained to her in the sustenance of the poor and in works of charity.
>
> —Alonso Remón, 1617

The 1545–1563 proceedings of the Council of Trent reinforced the ecclesiastical tradition that strongly urged widows to remove themselves from society, adopt the sequestered life in either a convent or a lay house, and devote themselves to the quiet contemplation of God. Doña Beatriz, however, came from a family tradition of independent widows, and although she chose to remain unmarried and devoted to the church, she also successfully conducted her family's affairs outside the church's prescribed vision of a widow's role in society. Her dual activities mirrored internal conflicts in the post-Tridentine era of church doctrine, which was caught between active participation in the outside world and enforced enclosure.[1]

Although doña Beatriz de Estrada chose a more secluded widowhood than her mother or sisters, she still appears in the documentary record conducting business related to her properties and *encomiendas*. She, too, found it necessary to continue her mother's legacy of protecting the only form of wealth and status the family enjoyed—that of property owners. Doña Beatriz, like her mother and sisters, took seriously her responsibilities as guardian of her underage children, arranging prestigious marriages for them, appealing through the legal system for protection of widows and orphans, and increasing the value of her children's inheritance. Yet with all these demands on her time

and energy, she still found opportunities to practice her chosen religious vocation. The idea that as a lovely young widow she might remarry apparently held no charm for her. Her story is emblematic of another option exercised by independent widows in sixteenth-century New Spain, a life of religious devotion.

Chart 5.1

SOURCES:

Beatriz: Birth: "Lawsuit regarding Teocaluyacan and Cayuca"
Marriage: By inference
Death: Remón, Vida y muerte del siervo de Dios, don Fernando de Cordova y Bocanegra, fol. 49r

Francisco: Birth: "Lawsuit regarding Teocaluyacan and Cayuca" and Hammond and Rey, *Narratives of the Coronado Expedition*, 1
Death: Hammond and Rey, *Narratives of the Coronado Expedition*, 31

Doña Beatriz de Estrada was born to doña Marina Gutiérrez Flores de la Caballería and Alonso de Estrada in New Spain in late 1523 or early 1524, the first of their children to have the distinction of being born in the New World.[2] She was their fifth daughter and seventh child. The first documentary mention we have of her is in the guardianship request made by her mother in 1532, after the death of her father, in which she is referred to as a minor of less than twelve years.[3] At the age of twelve or perhaps thirteen, doña Beatriz married Francisco Vázquez de Coronado, fourteen years her senior. Within two years she had given birth to two daughters, Isabel de Luján (named for Francisco's mother) and Luisa de Estrada (perhaps named for Beatriz's sister or some more distant relative).

Like her older sisters, doña Beatriz married well. Vázquez de Coronado was the protégé and probable relative by marriage of Viceroy Antonio de Mendoza. A native of Salamanca, he came from an illustrious Spanish family. As a second son, though, he was forced to make his own way in the world, his elder brother, Gonzalo, having inherited the family properties and titles. Most likely through family connections, Francisco had become a member of Viceroy Mendoza's entourage to New Spain in 1535. His father, Juan

Vázquez de Coronado, had served in an important post in Granada, where the future viceroy's father and brother were both governors and captain generals, and thus undoubtedly was familiar with members of the powerful Mendoza family, possibly with don Antonio himself.[4]

In New Spain, Francisco's political rise was meteoric. He was appointed councilman for Mexico City on June 14, 1538, and later was confirmed in this appointment by a royal order dated March 21, 1539. Also in 1538 he was named governor of Nueva Galicia, with a salary of fourteen hundred silver pesos from the royal treasury and an additional twenty-one hundred silver pesos from the province itself. By November 1538 doña Beatriz had accompanied her husband and two children to Guadalajara, located at that time northeast of the present-day city, where they remained until the following summer.[5]

After a reconnaissance made by fray Marcos de Niza and Estevan the Moor of the lands of northern New Spain and beyond, Viceroy Mendoza determined to launch a major expedition to confirm the friar's stories of rich lands ready to be brought under Spanish control. He turned to his trusted protégé, appointing Francisco captain general of the expedition in 1539, an appointment confirmed by the king the following year.[6]

Two things stand out in regard to doña Beatriz's often neglected role in the expedition. First, she brought to the marriage a substantial dowry in the form of the tributes from the second most extensive *encomienda* in New Spain. These tributes, from one-half of the *encomienda* of Tlapa, in the eastern part of what is today the state of Guerrero, were worth forty-two hundred silver pesos a year. Her husband used the *encomienda* as collateral to finance his participation in the expedition.[7]

Although a dowry was by law the private property of the wife, it was within the right of a husband to manage it and to collect any income the dowry might generate. At the same time, he had "no right to sell, dispose of, or waste" it and would be financially responsible for any diminution.[8] Given the risk involved in the expedition and its uncertain outcome, Vázquez de Coronado would probably be liable to doña Beatriz for a decrease in her dowry's value. It is highly likely that doña Beatriz's mother had given her approval for this use of the dowry, but approval would not have relieved her husband of his financial obligation. Her dowry generated a seventy-thousand-silver-peso line of credit, which Vázquez de Coronado used to buy supplies and which made him a full partner in the enterprise, along with the viceroy and others. As it turned out, the enterprise was a financial disaster, and Vázquez de Coronado testified two years afterward that he still owed sixteen thousand silver pesos, had been forced to sell his property, and still could not retire his debt. He did not indicate whether he was in debt to his wife or someone else for this amount. We do know, however, that in 1550 he still owed Guido de Lavezariis thirty-two hundred silver pesos that he had borrowed for expedition expenses.[9]

The second thing that stands out regarding doña Beatriz's role in the expedition is the unwitting effect she was rumored to have had on it. According to Pedro de Castañeda de Nájera, one of the chroniclers of the expedition, the endeavor was cut short over the objections of many of its participants. He reported that it "may have been unfortunate in having a captain who was leaving income and an excellent young and noble wife behind in Nueva España. [These things] were no small spurs for what he ended up doing."[10] Apparently, Castañeda attributed Vázquez de Coronado's lack of will to continue searching for the illusive wealth of Tierra Nueva for a third year to his longing to see his wife. In his assessment Castañeda ignored the dire situation in which the expedition found itself in Tierra Nueva in 1542, but nonetheless his conjecture indicates that for some disgruntled expeditionaries doña Beatriz's reputation as a lovely woman seemed a strong enough reason for their captain general to abandon the enterprise. The fame of her charms also figured in another incident reported by Castañeda. A few days after the expedition set out—according to Castañeda—Pedro de Trujillo claimed that he had had a dream in which he was told to kill his captain general in order to marry Beatriz and enjoy all her wealth. As a result, Vázquez de Coronado summarily removed Trujillo from the expedition.[11]

Although the marriage between doña Beatriz and Francisco was arranged, these two incidents support a widely held belief that Francisco loved his wife. She was certainly thinking of her husband, off in distant lands, in 1541 when she prevailed upon the viceroy to send certain items to her husband through Hernando de Alarcón, who was about to sail up the Colorado River in search of the expedition. Mendoza instructed Alarcón to assure that Vázquez de Coronado receive "certain items which doña Beatriz de Estrada is sending to the captain general, her husband."[12]

On the advice of one of the expedition's priests, fray Antonio de Castilblanco, Francisco sent to doña Beatriz in Mexico City two free Indian girls from Culiacán to be brought up in her household and instructed in the Catholic faith.[13] Why these Indian girls were removed from their village is unclear, and whether they had been orphaned or were being given an opportunity to assimilate is in question. What seems clear is the high opinion fray Antonio had of doña Beatriz's abilities and her reputation for kindness toward others.

While supportive of Francisco's ambitions, doña Beatriz did not remain idle while he led the more than two-year expedition, today referred to as the Coronado expedition, which wound north into Tierra Nueva through Arizona, New Mexico, Texas, Oklahoma, and Kansas. Upon Francisco's departure, she returned to Mexico City from Guadalajara, presumably to her mother's house on the Zócalo, to await the birth of her third child. On May 16, 1540, three months after her husband's departure, their only son, Juan, was baptized in the Mexico City cathedral.[14]

After Francisco's return from Tierra Nueva and with the end of his

governorship of Nueva Galicia, the family returned to live in doña Beatriz's mother's house in Mexico City before establishing their own residence around the corner to the east, on what is today Pino Suárez (see map 1).[15] Francisco was active on the city council until his death in late 1554, at the age of forty-four. Although his grandson, Francisco Pacheco de Córdova y Bocanegra Vázquez Coronado, later said that his grandfather died prematurely because of injuries he sustained while on the expedition to Tierra Nueva, the captain general in fact apparently succumbed to an illness rampant in the city at the time, which claimed the lives of other city council members, including that of his brother-in-law Juan Alonso de Sosa.[16] Francisco Vázquez de Coronado was buried in the Santo Domingo church, which his father-in-law had founded and which doña Beatriz supported throughout her life.[17]

During her and Francisco's eighteen years of marriage, Beatriz bore at least six children—one son and five daughters. The son, Juan Vázquez, died very young, as in all likelihood did two daughters, doña Gerónima Vázquez de Coronado and doña Mayor. After her baptism, I do not find doña Mayor in the documentary record, and doña Gerónima is mentioned infrequently and only as a minor to the age of about ten years. Each of doña Beatriz and Francisco's three surviving daughters married a son of the Bocanegra clan. Doña Isabel de Luján Vázquez de Coronado married Bernardino Pacheco de Bocanegra y Córdova, who assumed his father-in-law's city council seat when he died. They had no children. Doña Luisa de Estrada married first Luis Ponce de León—another Bocanegra brother—and then Martin de Irigoyen, the royal *factor*. She had no children from either marriage. Doña Marina Vázquez de Coronado, who married Nuño de Chaves Pacheco de Córdova y Bocanegra, was the only one of doña Beatriz and Francisco's offspring to carry on their lines.[18]

It has been said that "after Vázquez de Coronado discovered New Mexico at great expense he died very poor in Mexico [City], leaving his two legitimate daughters, doña Isabel de Luján and doña Marina Vázquez de Coronado, and his wife, doña Beatriz de Estrada, very poor. Having had the rents from his *encomiendas* taken away by the New Laws [because of absence], even though ordered by the king to go on the expedition, even though he was promised that they would not be and they were not returned."[19] In actuality, at the time of Francisco's death, doña Isabel had been recently married and so was no longer a dependent. Thirty-year-old doña Beatriz, however, was still the guardian of fifteen-year-old Luisa, eight-year-old Mayor (if she still lived), six-year-old Marina, and their youngest child, Géronima, possibly four years old.

Despite her alleged poverty, doña Beatriz managed to secure advantageous marriages for her daughters Luisa and Marina with two of Bernardino Pacheco de Bocanegra y Córdova's brothers. It is possible that these arrangements had been made before Francisco's death, although I have located no documentary records indicating a betrothal or marriage "in the

future" between Luisa and Luis or Marina and Nuño. But even if Francisco and doña Beatriz negotiated these high-status unions together, that does not change the fact that they took place after Francisco's death, and they belie the notion that widowed doña Beatriz and her children lived in dire circumstances.

After Francisco's death, doña Beatriz chose one option open to widows—a quiet life as a *beata* devoted to charitable acts and religious piety. She retired to a small house near the Augustinian convent, but her life was not nearly as restricted or reclusive as this scenario might suggest.[20] As a widow with some independence of mind, she did not surrender management of her affairs to a brother, uncle, or brother-in-law, as might have been expected of her, but rather managed both her internal and external concerns.

Although it has been argued that women typically became *beatas* in order to escape the strictures of a patriarchal society, this is an oversimplification of the workings of Spanish society and the choices such women made.[21] The term *beata* referred to a single or widowed woman who made a simple but private vow of chastity, wore the habit of a religious order, and sometimes even observed the rules of that order and performed charitable works, including the education of children and the care of orphaned and abandoned children.[22] A *beata* might be cloistered or live in society, alone or with others. As the historian Mary Elizabeth Perry wrote, *beatas* "usually retreated into private houses, often next to parish churches so that they could see the altar directly through a grille and hear mass without leaving the house." Some went so far as to join the third order associated with the Franciscans or Augustinians, which emphasized an internal spiritual life. Still others "became renowned for their 'familiar simplicity' in teaching the love of God" and created a following.[23]

As early as 1528, *beatas* were active in Mexico City, especially in the teaching of native girls. Catalina de Bustamante, a Spanish widow and a third order Franciscan, established a school in Texcoco. Only two years later, fray Juan de Zumárraga, bishop of Mexico, brought six more *beatas* to New Spain for the same purpose, that of teaching indigenous girls. The *audiencia* received a royal order instructing that two hundred silver pesos from the royal treasury be used to establish a house for the new *beatas*. Because the *audiencia* lacked the time to follow through with the royal mandate, the six *beatas* were placed in the house of doña Beatriz's mother on the Zócalo and remained there for about two years.[24] These early efforts at religious indoctrination resulted in the establishment of New Spain's first conventual institutions for women and at the same time brought official acceptance of women who practiced a quasi-monastic lifestyle. As either unmarried or widowed women who chose a spiritual life, more often than not they adhered to the Augustinian rule. By the 1540s such pious women sought approval from the *audiencia* and city council to establish convents in which to profess an order.

With a growth of mysticism in the sixteenth century within new religious movements that emphasized conversion, penitence, relief for the poor, and extreme asceticism, the role of *beatas* in society gained in importance.[25] People avidly sought spiritual guidance from those who portrayed themselves as deeply religious, possessing "gifts of the spirit," and capable of direct communication with God through trances and visions. At the time, many such persons were *beatas* rather than religious fully integrated within a particular order. Perhaps the accessibility and status of *beatas*, which was on a par with that of the petitioner, made their words more relevant and believable. In some cases, parishioners preferred their advice and insights to those of clergy, because they were closer to their own experiences and the travails of daily life. Especially charismatic *beatas*, such as Marina de Escobar in Valladolid, Spain, and Rosa de Santa María in Lima, Peru, often developed loyal followings of persons who believed that the women were in direct communication with God during observable states of religious ecstasy. In this role of mystic bridge between believers and their God, *beatas* were given unusual latitude to express themselves and were permitted to move relatively freely outside their self-imposed and acceptable secluded environment.[26]

The church and its priests, however, did not look kindly on the usurpation of their prerogatives by *beatas*. As the number of mystics grew, so did the church's anxiety. Given the powerful influence of some *beatas*, both religious and civil authorities conducted investigations to verify or disprove the spiritual abilities of these semi-religious. *Licenciado* Jerónimo Valderrama, sent to New Spain in the 1560s by the Council of the Indies, conducted a general investigation of both the government and religious orders. Valderrama's mission and mandate were extensive. One of his reforms was the prevention of the formation of confraternities of *beatas* among Indian women.[27] Apparently, the church summoned enough forbearance to suffer Spanish women in their establishment of communities of *beatas* but could not extend the same latitude to the native population. Quite possibly the church feared a resurgence of native deities or ceremonials that only outwardly conformed to church doctrine. The church, for its part, used its inquisitorial powers to control mystics and even as early as the 1540s began a general crackdown in Spain, prohibiting certain activities, including the translation of the New Testament for vernacular use and women's participation in religious movements.[28] Under often coercive examination, many *beatas* disavowed any special abilities or agreed that they had succumbed to the devil's temptations. Some were severely reprimanded; others were put to death.

The roles of *beatas* changed over time, becoming more multifaceted. In the early sixteenth century these women communed with God in the simple fashion of prayer. By the early seventeenth century *beatas* prayed to Jesus as a lover and to the Virgin Mary as an intercessor. In 1618 the concept of the Immaculate Conception of Mary was officially honored by the city council of Mexico City, elevating Christ's mother to a position closer to that of a

godhead. Communing with and praying for the souls in Purgatory was a duty, as was battling the devil, an ongoing challenge, for *beatas* in later times. As the objects of their prayers and concerns changed, so did Spanish society's view of them. They were transformed from devout Catholic women to devil worshippers, witches, sexual deviants, and the insane.[29]

Interesting counterpoints to the *beata* movement in sixteenth-century Spain are the cases of widows in Italy and fifteenth-century England. Apparently, in England a desire to follow a life of reclusive piety was weak among the aristocratic class. In Florence during the Renaissance, *beatas* were held in suspicion, because it was feared that they were neither chaste nor virtuous. Although the church there encouraged widows "with a penchant for chastity" to remain single, society at large continued to be suspicious.[30]

As a woman of her time, doña Beatriz was deeply attracted to a pious life. It could be that her early childhood contact with *beatas* resonated with her. Whether her motivation to be a *beata* originated from extreme grief over the loss of her husband or deep devotion to God is unknowable and perhaps irrelevant. Clearly, something about the life of a *beata* fulfilled an internal desire, yet she never completely removed herself from daily life. Although the first convent of professed nuns in Spanish America—dedicated to Nuestra Señora de la Concepción de México—was founded in 1541 in Mexico City, doña Beatriz never joined it, preferring instead her position as a *beata* outside any formal institution. The choice to become a religious would not have allowed her the freedom she enjoyed as a *beata*, the freedom to operate outside a convent. She was said to be devoted to the Dominicans but chose instead to ally herself with the Augustinians.[31] The latter order was actively recruiting members to expand its influence in New Spain and counter that of the Franciscans and Dominicans. It is possible that doña Beatriz switched her allegiance from the Dominicans to the Augustinians because of the disagreement her mother had with the Dominicans regarding the burial of her father.

Although doña Beatriz's role in her extended family seems to have revolved around the church and acts of self-sacrifice, her semireligious lifestyle in the environs of the Convento de San Agustín did not preclude her involvement with the outside world. She continued to direct and participate in the affairs of the family—baptisms, legal proceedings, and ensuring the well-being of her daughters by protecting their property interests and arranging suitable marriages for them. Doña Beatriz assured a smooth transition of her husband's property to their oldest living child, doña Isabel, who inherited her father's *encomiendas*—the pueblos of Cuçumala/Cuzamala and one-half of Teutenango—and she gave their second child, doña Luisa, her own *encomienda* of one-half of Tlapa upon her marriage.[32]

Figure 5.1. The former San Agustín convent, on Calle República de El Salvador, Mexico City. Photo by author, 2008.

Foregoing the income generated by the *encomiendas* did not result in poverty for doña Beatriz. She still had enough income to make loans to various individuals, and she continued to own small pieces of property in Mexico City, some of which she rented out and others of which she sold.[33] On the street going to the butcher shop, on today's 5 de Febrero, off the southwest corner of the Zócalo, she rented out a small house for thirty-five silver pesos a year, and she sold more than two hundred acres of land on the outskirts of Guaxutla, in the province of Texcoco, to her son-in-law Bernardino Pacheco de Bocanegra y Córdova.[34] In addition, she sold a female black slave, Isabel Ruiz, to Isabel's own husband, Juan Ruiz, a Spaniard, for five hundred silver pesos over a five-year period. The transaction clearly was not an act of charity but one of business, the stipulation in the sales agreement being that if Juan missed two payments in one year, the sale would be nullified. Until payment was completed, Isabel remained a slave in doña Beatriz's household.[35]

One of the results for doña Beatriz of a 1566 political conflict and legal case known as the Martín Cortés conspiracy (see chapter 6) was her reassuming control over one-half of the *encomienda* of Tlapa. When her son-in-law Luis Ponce de León was banished from New Spain for his part in the conspiracy, she was the one assigning powers-of-attorney to various people to assure that the tributes from Tlapa were collected and delivered. Before his departure for Spain, Luis had issued a general power-of-attorney to doña Beatriz and her daughter doña Luisa, his wife, so that they could handle his affairs while he was absent.[36] Although doña Beatriz had given the *encomienda* of Tlapa as dowry for doña Luisa, the mother, not the daughter, was listed as *encomendera* of one-half of Tlapa and was active in instigating

lawsuits to collect its tribute into the 1590s. One explanation for this discrepancy could be that her daughter and son-in-law were receiving only the tributes and that she had not surrendered the grant of the *encomienda* to them. This kind of arrangement would have made political sense by circumventing the complicated issue of succession, especially in a time of *encomienda* reductions, royal escheatment, and the strict counting of the "lives" of *encomiendas*. With doña Beatriz maintaining technical ownership of one-half of Tlapa, it could not then have been considered in its "third life" and therefore subject to escheatment by the Crown. During this same period, Francisco Morales, a secretary for the royal *audiencia*, complained that the *encomienda* of Tlapa by rights belonged to the Crown, because several generations of doña Beatriz's family had claimed title, claims that went far beyond the number of "lives" given to each *encomienda*. Morales's charges were unsuccessful, and doña Beatriz remained the *encomendera* until her death.[37]

As was common in sixteenth-century New Spain in order to circumvent the prohibition against usury, the propertied class procured cash, credit, or both through the instrument of the *censo*.[38] With the church in many cases acting as banker, a property owner would transfer future rental or tribute income for an agreed-upon lump sum, renewable yearly. The property or grant itself served as collateral and remained in the hands of the borrower as long as he or she made the interest payments. The borrower also agreed to maintain the property so that the collateral could continue to generate the estimated annual revenue and not decrease in value to the lender. Often *censos* were never repaid in full and were inherited by the children and grandchildren of the original borrower. If times became hard, as they did for *encomenderos* after the mid-sixteenth century, and anticipated tribute payments dropped, interest payments could not be met. The church, however, was not eager to foreclose on properties, preferring to allow the borrower a grace period, sometimes extending to many years, while continuing to offer to renew the *censo* for the same lump sum. Some loans did end in foreclosure, often leaving the church with run-down and worthless pieces of property.

In this regard, doña Beatriz was no different from other property owners who obtained *censos*. One in particular is of interest in light of her being a *beata*. Alonso de la Fuente, a merchant, had invested in a *censo* of doña Beatriz's for around forty-two silver pesos a year. The *censo*'s collateral consisted of more than three hundred acres of land on the outskirts of Tacuba and Zacoyuca, along with her principal houses on Calle del Hospital de Nuestra Señora de la Concepción (see map 1). If she wished to retire this loan sometime in the future, she would be required to pay the six hundred silver pesos of principal, plus interest. However, de la Fuente turned around and donated the *censo* to the father provincial of the Augustinians in New Spain, the order with which doña Beatriz was intimately connected. It could have been that, in effect, the Augustinians forgave doña Beatriz this particular

censo in recognition of her good works as a *beata*.[39]

It is clear from the foregoing examples that doña Beatriz had not completely given herself over to a secluded, conventual life, but rather managed to balance religious devotion with practical matters. Yet the spiritual world was more important to doña Beatriz than the outside world. At the age of thirty she began her thirty-six-year widowhood of penitence and fasting as a *beata*. Although some historians insist that *beatas* were women who lacked resources, a socially acceptable ethnicity, or a high station in life, doña Beatriz did not fit that model. She was not a poverty-stricken, mixed-blood woman from the lowest classes, but just the opposite. Given her prominent social and economic status, any convent would have welcomed her as a nun, but she chose another course. Nor was she alone. If Peru in 1557 is any example, then Augustinian *beatas* tended to be elite members of society with ties to early conquerors and settlers.[40] Doña Beatriz might have thought there were more spiritual opportunities in the Augustinian order than in another order, or perhaps its *beata* community was more to her liking socially.

Doña Beatriz eventually gained a local reputation as a deeply devout and spiritual woman. She was one of the "holy women who did not take formal vows but had decided to spend their lives in prayer, attendance at liturgical rituals and religious meditation." [41] Alonso Remón, writing in 1617, idealized doña Beatriz's life as a *beata* in Mexico City this way:

> She retired from them [her children] and her relatives to a small house next to the Augustinian convent, with those of her servants who had the spirit to follow her. One of them was Mother Beatriz de la Concepción, abbess of the monastery of Jesús María of Mexico [City], who today lives [as a] great server of God. She [doña Beatriz] kept busy, completely giving herself to God with such severe penitence and the rigor of the spiritual life, that she was equal there [in the convent] to the most perfect young people, spending the little income that remained to her in the sustenance of the poor and in works of charity.[42]

What her particular religious rigor consisted of was never divulged. It might be instructive, however, to look at the way the eighteenth-century *beata* María Rita Vargas described her daily religious devotions, which some scholars have characterized as extreme. She described "praying five credos with extended arms in remembrance of the five holy wounds [on Jesus's] hands, feet and side. . . . And to finish with making a cross on the floor the length of a quarter vara with the tongue." On Mondays, Wednesdays, and Fridays she not only made the Stations of the Cross but also noted that "one does the exercise of scourging. The time that this lasts is what one might [take] to recite in prayer five credos in remembrance of the lashings Your Husband received at the column." Every day, she insisted, "You will wear a

cilice (iron spikes) as I have already said, but on Sundays and Holy Days, two —one on the arm and another on the chest."[43]

The historian Anne Cruz, aptly discussing the issue of *beatas*, noted that "Spain's political restructuring under the Catholic monarchs permitted development of heterodox religiosity that also brought about a flowering of religious women, beatas, and visionaries." In the early sixteenth century the church vacillated between condemnation and support for *beatas*' ecstasies and visions. These women were used, on the one hand, to further church dogma and even to advise spiritually their own confessors, while, on the other hand, the Council of Trent put restrictions on their speech and actions and made every effort to pressure them to join recognized orders. As the Inquisition gained further control over church orthodoxy, the "disruptive" behaviors of these religious women were subjected to closer scrutiny. As Elizabeth Lehfeldt pointed out in her work on religious women in Spain, however, what the church decreed often diverged from what local parishes enforced.[44]

It was not until 1575 that the Inquisition recorded any of doña Beatriz's religious activities. On May 13 of that year, a minor charge was lodged against her by fray Pedro de Pravia, in which he stated:

Figure 5.2. Nun's cell with stone kneeler, crucifixes, two cilices (spiked chains), and a Franciscan knotted cord. Museo Santa Clara, Zafra, Extremadura, Spain. Photo by author, 2009.

> In order to ease my conscience, I, fray Pedro de Pravia, say that it is true that [while] visiting the widow doña Beatriz de Estrada, along with my friend, padre fray Hernando de Morales, she volunteered to discuss [her] dreams. Speaking of one thing and another, doña Beatriz de Estrada said that there was or seemed to be someone placing a halo

> [on her], which she desired. She said that [in] the vision in [the] dreams, and I recall that she said it in this way, that there was or seemed to be someone who did not need [anything] more when they wished to see something, except to put on a halo. She stated the aforesaid, which is understood to be that she saw the person about whom she swore in her dreams. And her daughter doña Isabel Luján was present at this conversation.[45]

The fact that someone's dreams were under scrutiny by the church for possible heretical leanings shows to what lengths the religious hierarchy was willing to go to undermine and eradicate alternative spiritual avenues. This investigation also speaks to the influence that doña Beatriz had among her devotees. In the records of many Inquisition cases similar to doña Beatriz's, both the tribunal's findings and the assigned penance are noted in the document. In this case, however, no other witnesses were called, and apparently the case was dropped. Perhaps doña Beatriz's yearning "to see" the unseeable was thought to be a common human desire and nothing more. Or perhaps her following was large enough and the complaint minor enough that the church looked the other way. Although 20 to 30 percent of all denunciations were made against women, only about half of those ever resulted in actual punishment, and very few chastenings were based on a *beat*'s words or actions being found to be contrary to church doctrine. The church often preferred to see respectable Spanish widows as suffering from psychosomatic illnesses rather than as real threats to its prerogatives.[46]

After having lived a long, holy life, doña Beatriz sickened, received the sacraments, and died "like a saint" on January 6, 1590, at the age of about sixty-six. Later historians have said that she earned the sobriquet "the Saint" for her piety and good works.[47] Her family buried her in a luxurious tomb and vault near the lateral altar, gospel side, in the first Santo Domingo church, with her parents and husband. She was most likely entombed wearing the Augustinian habit in order to gain the indulgences granted to that order, a not uncommon phenomenon for especially devout Catholics of the period, both male and female, and especially for someone who had attached herself to the order as a *beata*.[48]

Even after her death, her legacy as a *beata* continued to grow. Years later, when her deceased grandson, Fernando de Córdova, son of her daughter doña Marina, was being considered for sainthood, efforts were made to elevate the status of doña Beatriz. Remón, continuing his description of her life, stated:

> And [so] it was, that doña Beatriz de Estrada, sick in Mexico City, grandmother of this servant of God, don Fernando (to whose great virtues of saintliness, courage, spiritual absorption, and charity it will be necessary to refer at length and [in] a special story, as the whole of New Spain knows about it), that everybody considered her in life and

> death as a saint, because of being endowed by all the best natural gifts that one might wish for. . . . The virtues and Christianity of this señora were so noteworthy that her husband of only a few years [took] her to the city of Compostela in that kingdom [of Nueva Galicia], [where] she was always an exceptional example of virtue and the sanctuary of the religious who settled in those provinces. And such a great almsgiver, and her house so much a shelter and example that she gave it to the monasteries, [and] most strict in the exercise of extraordinary virtue. . . .
>
> Her Augustinian confessors, fray Juan de Roa, fray Hernando de Vertavillo, and fray Martín de Perea, [men] most renowned in letters and saintliness of those times, certified the reports from those who live today, who heard it themselves [and] were unable to relate the marvelous virtues of doña Beatriz from her childhood, except with admiration. And her rigorous penitence, that when she reached thirty years old, she was so used up and with such extreme thinness that it was admirable to see her. And in the other thirty-four years that she lived afterward, she continued the great severity of penitence until her death. Her life seemed like something supernatural. With the little sustenance which she allowed [herself], with a tenacity and untiring perseverance, making on earth the life of an angel, without slackening in her path, as if each day began for her anew, retired from everything temporal.[49]

Of course, as we have seen, she did not entirely "retire from everything temporal."

Another story of doña Beatriz's saintliness was perpetuated by fray Cristóbal Uclés de Aragón, who related that either eight or eleven years after her death, a family member's baby was being buried in the same family vault. At that time the mourners found the tomb flooded and doña Beatriz's coffin and clothes gone, yet her uncorrupted body was unharmed, as if it had been buried the day before. Her body was put on public display, but her daughter doña Isabel refused to view it. Such occurrences were not unheard of. There were occasional stories of *beatas* who, after death, "remained soft and pliable . . . , giving off a 'sweet fragrance,' rather than an 'intolerable stink.' "[50] Given this miraculous story, the Bishop of Elna in 1614 wrote in his book *Perpiñán* that doña Beatriz was a woman of "noble virtues and holiness . . . others extolling her sanctity, valor, spiritual absorption, and charities," and all of New Spain knew of them.[51]

By the time doña Beatriz was active as a *beata* in the 1560s, a marked change in Spain's previous tolerance for diverse spiritual expressions was under way. Understandably, this change took some time to reach the New World, so it is likely that doña Beatriz was under no prohibition during her

early years as a *beata*. Indeed, even into the seventeenth century Mexico City had sixteen convents and dozens of *beaterios* (houses in which *beatas* formed a community), often founded by widows.[52] The historian Anne Cruz has commented that "the male-controlled systems of power in the sixteenth century silenced the voices of beatas and visionaries," but clearly doña Beatriz continued to have her supporters into the early seventeenth century.[53]

The independent widowhood of doña Beatriz consisted of balancing two aspects of her life—the internal and the external. Although she was drawn to the life of a *beata*, she also had family commitments and responsibilities that she did not take lightly. The training by example from her mother in the preservation of family wealth through the possession and management of property was not easily undone, even in the face of a strong spiritual drive. She might have chosen to give her children to the care of her older sister in order to pursue a purely religious life. Rather, she managed to work toward the well-being of both her daughters and her soul.

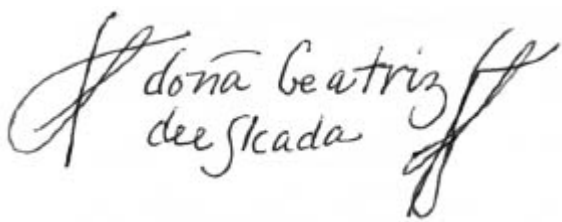


Figure 5.3. Signature of doña Beatriz, copied from AGNot, Antonio Alonso III, 1570, no. 1866.

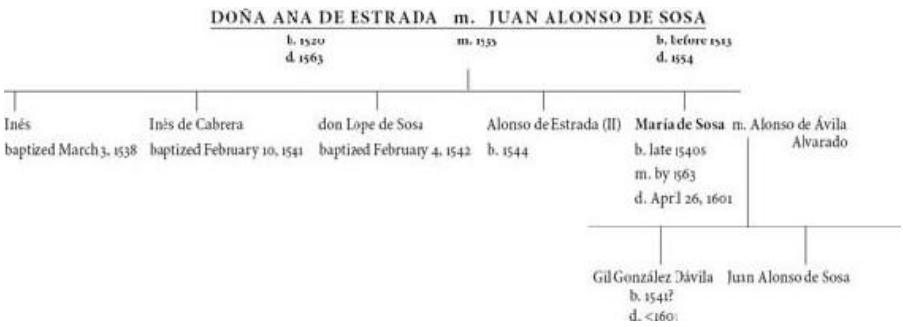
CHAPTER SIX

DOÑA MARÍA DE SOSA PRESENTS HER CASE TO THE CROWN

> I ask and beg that His Highness order the officials in Mexico [City] to send the 1,000 silver pesos to the Casa de la Contratación in Sevilla.
>
> —doña María de Sosa, 1585

Widows in the Estrada family were not only successful in holding onto much of the property they acquired through assignments, marriage, and inheritance, but they also bequeathed their hard-earned knowledge and accomplishments to other generations. In the family's third generation, doña María de Sosa, granddaughter of doña Marina Gutiérrez Flores de la Caballería and Alonso de Estrada (New Spain's royal treasurer) and daughter of Ana de Estrada and Juan Alonso de Sosa (Estrada's successor as royal treasurer) also tackled the issue of family honor and reputation. She and her family were embroiled in the political struggle of the mid-sixteenth century in New Spain between *peninsulares* (those born on the Iberian Peninsula) and *criollos* (those born in the New World) over control of the government and New Spain's resources. Doña María maintained a brave face and stalwart energy while her life crumbled about her. She lost her husband, her brother-in-law, their properties, their reputations (her own was tainted in the process), and all means of supporting herself and her children. She traveled to Spain along with her sister-in-law in the hope of regaining the property and reputations of their families.

Chart 6.1



SOURCES:
Ana: Birth and marriage: "Lawsuit between Juan Alonso de Sosa and Hernando de Herrera"
Death: *Catálogo, resumen e índices de Protocolos*, vol. 1, fols. 497v–501v

Juan: Birth: "Informaciones de don Antonio Huitsimengari, son and heir of Cazonci"
Death: *Epistolario de Nueva España*, vol. 7, no. 412

Doña María de Sosa: Birth: By inference
Marriage: *Catálogo, resumen e índices de Protocolos*, vol. 1, fols. 497v–501v, 17 May 1563
Death: "The will of María de Sosa," fol. 1r.

Doña María's mother, doña Ana de Estrada, was the sixth child of doña Marina and Alonso. Unlike her two older sisters, doña Luisa and doña Marina (II), doña Ana did not accompany her parents to New Spain in 1523 but was placed as a ward in the convent of Las Comendadoras de Calatrava in Almagro, at the age of three. Her mother, a native of Almagro, apparently trusted the nuns there to nurture and care for her child.

It seems apparent from later events that doña Ana's parents had already decided that her future was to remain in Spain. Five years later, in 1528, a dowry document was executed between her parents and don Lope Fernández de Treviño of Ciudad Real, stipulating that doña Ana, age eight, and one of her brothers, Juan Alfonso, about seventeen, were to marry a son and daughter of don Lope's. Legally, doña Ana would not be allowed to consummate this marriage until she was twelve, so this was a marriage agreement "in future."[1] For unknown reasons, the entire arrangement fell apart. Juan Alfonso entered the priesthood, and doña Ana remained a ward of the convent. It is possible that Juan Alfonso's decision to become a priest was the cause of the cancellation of the two marriages. Perhaps don Lope thought it best for his son not to marry into the family that had in effect rejected his daughter and cancelled his son's marriage to doña Ana in retaliation.

Figure 6.1. Las Comendadoras convent (Convento de la Asunción, Calatrava), Almagro, Ciudad Real, Spain. Photo by author, 2002.

With the death in 1530 of the treasurer Alonso de Estrada, Juan Alonso de Sosa, son of doña Inés de Cabrera and Lope de Sosa, the governor and captain general of the Canary Islands, was appointed to that office and assumed his duties in November 1532. By late November doña Marina had arranged, without consulting her daughter, an advantageous betrothal between twelve-year-old doña Ana, still in Spain, and Juan. Doña Marina was confident that her daughter would not object to a husband chosen for her, even though the *Siete Partidas* prohibited betrothals when the betrothed was not physically present. It took more than two years before doña Ana finally arrived to marry the treasurer in early 1535. On her way to her future in New Spain as Juan's wife, the fifteen-year-old narrowly escaped drowning in a shipwreck off the coast of Mexico. The ship that was transporting her and her companions to New Spain, the *Santa María de Jesús*, was capsized by a violent storm, spilling passengers and cargo into the sea near Espíritu Santo, at the mouth of the Río Guazacualco in the modern state of Veracruz (see map 2).[2]

Doña Ana and Juan Alonso de Sosa had five children: two sons and three daughters, doña María de Sosa being the youngest. After nearly twenty years of marriage, Juan died in the same month and year as his brother-in-law Francisco Vázquez de Coronado. Both were city councilmen for Mexico City

and may have died of the same infectious disease or illness. With the death of her husband, thirty-four-year-old doña Ana was left to care for thirteen-year-old Inés de Cabrera, twelve-year-old Lope de Sosa, ten-year-old Alonso de Estrada, and María de Sosa, possibly age five. Her oldest child, another Inés, had already died in infancy.

Possibly the two sisters, doña Ana and doña Beatriz, simultaneously widowed, discussed their options and decided on a religious life. Having been raised with nuns, the widowed doña Ana wanted to join a convent and bring a daughter with her, either Inés or María. Indeed, years after her death it was said that she had contemplated such a life even while her husband was alive.[3] It might seem logical for her to have chosen the convent of San Agustín, the same convent to which her sister doña Beatriz became intimately connected when she chose the life of a *beata*. This was also the convent where, the year before Juan's death, he, doña Ana, and their descendants received the friars' permission to be buried, thanks to their extensive support, which included helping the friars purchase the houses in which the convent came to be founded.[4] Instead, she chose the convent of Nuestra Señora de la Concepción in Mexico City as the place to live out the remaining years of her life. No documentary evidence so far suggests that doña Ana was a *beata* or that she professed, but in all likelihood she devoted herself to religious activities as a laywoman.[5]

Doña Ana, like her mother and sisters, did not neglect her worldly obligations, first and foremost the well-being of her children. She arranged advantageous marriages for them, choosing suitable spouses from among New Spain's elites. Don Lope married his first cousin, Inés Cabrera de Castilla, the daughter of his father's sister, Juana de Sosa, and her husband, don Luis de Castilla, who descended from royalty. Don Alonso married Marina de Guevara, daughter of don Diego de Guevara, the nephew of the *conde* de Oñate. Inés professed as a nun.

Like her mother, doña Ana suffered the consequences of being the widow of a royal treasurer. Upon Juan Alonso de Sosa's death, his property (and therefore doña Ana's also) was sequestered during the time it took the Casa de la Contratación in Sevilla to reconcile his account books. In fact, a clause in Juan's will acknowledged a debt to the Crown of sixteen thousand silver pesos and placed the burden of payment on his heirs.[6] During the interim before the settling of her husband's estate, doña Ana applied to the Crown for funds to sustain herself and her children. She was awarded three hundred silver pesos for at least one year.[7] In addition, she successfully petitioned the Crown to have the *encomiendas* that the viceroy had assigned to her husband reassigned to her and her children.[8] From various documentary sources we know that doña Ana, as administrator of her children's property, managed those *encomiendas* and their herds of livestock for the benefit of herself and her young children.[9]

With three of her four children settled appropriately, either in

advantageous marriages or in a convent, doña Ana turned her attention to marriage prospects for sixteen-year-old doña María. Just before her death in the spring of 1563, doña Ana saw her last child married to Alonso de Ávila Alvarado, a well-heeled *criollo*. His mother was Leonor de Alvarado, the daughter of Isabel de Villapadierna and Juan de Alvarado, the half-brother of Pedro and Jorge de Alvarado. Doña María's aunt doña Luisa was married to Jorge de Alvarado, thus making doña María and Alonso cousins by marriage.[10] His father, Gil González de Benavides, and his uncle Alonso de Ávila were natives of Ciudad Real and quite possibly knew of doña María's grandparents, Alonso de Estrada and doña Marina, both also natives of that area in Spain. The brothers Gil and Alonso, conquerors and early settlers of New Spain, had been awarded several *encomiendas* with a combined worth of more than six thousand silver pesos a year in tribute. At the time of his death, Alonso de Ávila had no heirs other than Alonso de Ávila Alvarado's father, Gil, who inherited all his brother's property.[11] When Gil died, Alonso de Ávila Alvarado and his brother Gil (II) became wealthy *encomenderos* from the combined assets of their father and uncle.

The young couple, doña María and Alonso, were quite the darlings of Mexico City's elites. Doña María, as daughter of the treasurer, had political connections, and Alonso had property and wealth. Neither had reached these positions of power through their own efforts, but as inheritors and first-generation *criollos*. Alonso was characterized as vain and arrogant. He took great care of his hair, had an enviable forelock and a showy mustache, and was noted for his very white hands, hands that no doubt never knew hard work. He had inherited his uncle's house in the city, on the northeast corner of today's Calles República de Argentina and República de Guatemala (see map 1). This location is now prominent in the city as the site of the ruins of the great Templo Mayor of the Mexica capital, Tenochtitlan. Alonso was described as going about the city on a white horse with velvet trappings, accompanied by retainers and pages while sporting gold-embellished, plumed hats or caps.[12] His self-importance and foppishness certainly made him enemies among the *peninsulares*, who fancied themselves above anyone the New World might produce.

With the arrival of don Martín Cortés, son of the *marqués* del Valle, Hernando Cortés, in Mexico City in January 1563, the tone of the city changed from one of anxiety and trepidation over the future of the *encomienda* system to one of gaiety and hopefulness. Don Martín was returning to New Spain to take up his position as heir to his father's vast holdings. Born in the New World, he was considered the most important member of the *criollo* faction. His presence attracted many other young *criollos*, including Alonso de Ávila Alvarado and doña María, who became very much a part of the Cortés social scene. Politically, don Martín represented *criollo* aspirations that the *encomienda* system in New Spain would be favored by the king and made perpetual. These second-generation

encomenderos had been pressing for just such a royal decision. Don Martín, although a *criollo*, had been raised in the royal court, and because he enjoyed some royal favor, the Mexico City council had made him its spokesperson in Spain prior to his return to New Spain.[13]

Soon, jealousies between those born in the New World and those born in Spain, and between those entitled to *encomiendas* and those prohibited from possessing them, erupted into vicious personal attacks, both physical and political. Within three years, the city was in turmoil. A virtual civil war was being waged, and families were torn apart by conflicting loyalties. By Lent of 1566 the *audiencia*, as the king's judicial arm in New Spain, was alarmed by reported statements from certain Cortés allies, including city councilman Ávila Alvarado, that a rebellion was imminent. The *audiencia* launched a serious investigation.[14] Unfortunately for him, Alonso's youth and inexperience in the intrigues of government made him naively incautious. He and doña María, like the other young Cortés followers, made no outward adjustments to their lavish lifestyle or flamboyant behavior. They apparently failed to understand the significance of the investigations being conducted by the *audiencia* or the way their behavior might influence the course of those investigations.

As the inquiry of the *audiencia* expanded, the judges called several witnesses who made sworn statements insinuating that the *criollos*, with the help of the indigenous population, were about to rise in revolt. On the basis of those testimonies, the *audiencia* issued arrest warrants on July 15, 1566, for several dozen persons. The following day the presumed ringleaders—don Martín Cortés, his brothers don Luis Cortés and don Martín, a mestizo, and the Ávila brothers, Alonso and Gil (II)—were taken into custody. While the accused were imprisoned in the house of the *marques* by the *audiencia*, confessions were forcibly extracted from the Ávila brothers.[15]

As a result of its investigation, the *audiencia* authorized imprisonment, torture, banishment, fines, and even execution for those found guilty of attempting to overthrow the king's authority and establish an independent political entity in New Spain. Among those who paid the ultimate price were the Ávilas, both Alonso and his brother Gil. Alonso was accused and convicted specifically of playing a major part in what has come to be called the Martín Cortés conspiracy. As I have discussed elsewhere, the available evidence points to the political ambitions of the *peninsulares* as a major factor in the corruption of justice in investigating and prosecuting the accused conspirators.[16]

Within two weeks of their conviction, the Ávilas were beheaded. Bound hand and foot and set astride mules, they were taken to the Plaza Mayor on August 3. First, Gil, dressed in simple and plain clothing, was beheaded while Alonso looked on. Next the dashing and damascene-dressed Alonso was led to the executioner. Wearing stockings, a common doublet, clothes lined in skins from little jaguars, a cap adorned with gold and plumes, a chain of gold

around his neck, a tawny-colored scarf with a locket, and, on top of the scarf, a rosary of Nuestra Señora made of small white beads of orangewood, he met his end after three blows from the executioner's blade.[17]

It was claimed later that all the misfortunes of Martín Cortés and his followers could be traced to the involvement of the young *marques* with married women in Mexico City, including doña María's cousin doña Marina Vázquez de Coronado. Many thought that don Martín's behavior gave license to others, including Alonso, to follow his example. During the investigation of Alonso's involvement in the alleged conspiracy, amorous letters were found among his personal papers, implicating many women of rank in the city, some related to the *audiencia* judges themselves.[18]

Doña María was stunned. Everything had happened so quickly. From living the gay life she was reduced to precipitate widowhood. Apparently none of her political connections could protect her husband from the wrath of the *audiencia* and the other *peninsulares*. If her father, the treasurer, had still been alive, he probably would have been a tempering influence in what transpired. Instead, she faced a dramatic and extreme situation. She had two small boys to care for; many in her social circle had been banished or executed; and she was forced from her home and deprived of income. Her life had been turned upside down and lay in shambles. She had to find the inner strength to survive this horrific crisis. And that she did.

The most pressing matter for doña María was to arrange a proper burial for her husband and brother-in-law. She somehow coped with the gruesome reality that Alonso's and Gil's heads were to remain on public display in the Plaza Mayor while their bodies were released to her. She had them buried at the convent of San Agustín, probably in accordance with the agreement her parents had with its friars, allowing the burial of doña Ana's and Juan's descendants there. After doña María appealed repeatedly to the *audiencia* for human decency, Alonso's and Gil's heads were removed from the Plaza Mayor. There is no indication that their graves or tombs were reopened to include the heads or that their bodies remained in state awaiting the authorities' decision.[19]

Doña María was informed on August 8 that the *audiencia* would immediately sell all her husband's horses and black slaves, confiscate his *encomiendas*, and sequester his remaining property, both real and personal. She was ordered to vacate her and Alonso's house on the northeast corner of the Zócalo, and to add insult to injury, it was ordered demolished and salt poured on the land.[20] This last act was intended to demonstrate to everyone the seriousness of Alonso de Ávila Alvarado's crime, so that it would remain an object lesson for anyone else contemplating rebellion. The biblical symbolism of pouring salt on the land was not lost on the Catholic inhabitants of Mexico City. This unholy spot was to remain devoid of all living things. By 1574 the viceroy proposed that the vacant land serve as the site of a university, but instead the convent of Santa Isabel was built there. Eventually it, in turn,

was torn down, revealing the ruins of the magnificent Templo Mayor. To this day a stone marker remains on the site of Alonso's home, inscribed with these words: "These houses were Alonso D'avila Alvarado's, vecino of Mexico City, who was condemned to die as a traitor and was executed. They pronounced sentence in the Plaza Mayor that these houses, which were his principal residence, be torn down. 1566."[21]

On August 21, 1566, doña María and her children were turned out of their "well-built" house and forced to leave behind any remaining personal property. The surviving documents give no indication of what she might have been allowed to take with her. Her next challenge was to find a place to live. Did she take up residence in the house of one of her brothers, Lope or Alonso, either of whom might have inherited the house of their parents? Did she seek shelter with her sister-in-law doña Isabel de Figueroa, Alonso and Gil's sister, or with one of her mother's sisters? We simply do not know, but certainly she did not end up on the street.

Figure 6.2. Stone inscription at the site of Alonso de Ávila Alvarado's house. It reads, "Estas casas heran de Alonso D'avila Alvarado vecino de esta ciudad de Mexico qual fue condenado a muerte por traidor i fue esecutada en su persona. La sentencia en la plaza principal de esta ciudad le mandaron derribar estas casas que fueron las principales de esta morada. Año de 1566." Photo by author, 2011.

Within three weeks of the executions, doña María made out a power-of-attorney to her Spanish uncles Luis Alfonso de Estrada, at the time a resident in the royal court, and don Diego de Sosa, a resident of Córdoba, so that they might represent her and her sons' interests before judges in Spain. She also requested royal grants for herself and her children and permission "to collect

whatever money and property belonged to them." At the same time she asked to be named guardian for her sons, both under the age of twelve.[22]

She was on solid legal footing in seeking to regain property that was rightfully hers or her children's. Even if the *audiencia* could destroy her husband's home as punishment, it did not have the authority to take her personal possessions or dowry property. To disentangle what was hers from what was his would require political and legal maneuvers, which she quickly took upon herself to initiate. Her complaints and petitions were duly noted in the Council of the Indies by Councilor Santander in April 1567.[23]

By October 1567 a public auction of Alonso de Ávila Alvarado's personal assets had been held, to satisfy the judgment against his property. Among the items sold were nine large tapestries worth about 442 silver pesos, which the city council itself purchased and hung in its chambers.[24] It took a full year to sort out what property was doña María's and what was her husband's.

Even once the property issues had been substantially resolved, doña María knew that to clear her husband's name and that of their children, she had to take her case to a higher authority than the city council of Mexico City. Sometime soon after the public humiliation of the auction, she and her sister-in-law, doña Isabel de Figueroa, sailed for Spain. By 1568 they were in Madrid, most likely living in the household of doña María's courtier uncle, Luis Alfonso de Estrada.

Felipe II, in 1561, had designated Madrid the governmental seat of Spain, putting an end to decades of a peripatetic court. By 1568 most nobles were establishing households there, far from their estates and close to the power brokers. The city's population was ballooning, nearly quadrupling in nine years. Even with all the attendant excitement and activities of a royal city, it was not like the Mexico City of doña María's gay youth. Felipe II had issued the sumptuary law of 1563 in an effort to control the extravagant dress and lavish lifestyle of nobles, at the same time don Martín Cortés was making his triumphal entrance into Mexico City amid no end of prodigal displays of ostentation and enthusiasm.[25]

A few months after doña María arrived in Madrid, Felipe II's third wife, the fun-loving Elizabeth of Valois, died from complications of childbirth, profoundly affecting the tone at court, which, according to the historian Henry Kamen, became one of little social gaiety. Anna of Austria, Felipe II's fourth and final wife, whom he married in 1570, was more subdued, possibly reflecting Felipe II's turn to a more somber outlook. Whether or not one agrees with Kamen that Felipe II has been portrayed as more lugubrious than he deserves, it is clear that the mood at court was more dour and restrained than in the past, due in part to Felipe II's personal losses and in part to his health problems.[26] Most certainly the court and its hangers-on followed the king's example in both dress and attitude. Perhaps the king's mood mirrored that of the tragically widowed doña María, who now knew how transitory the gay life could be.

It was in this Madrid that doña María and doña Isabel delivered to the royal court their formal, written versions of the injustices that had befallen Alonso and Gil:

> Doña Maria de Sosa, in her own name and in that of her children and her husband Alonso de Ávila Alvarado, deceased, along with Isabel de Figueroa, in her own name and as sister to Alonso de Ávila and Gil Gonzalez de Ávila, deceased, and in that of her nephews and nieces, the children of Gil González, state in words and written requests that they have indicated to Your Highness the reason for their coming to these kingdoms and the dangers and hardships that they endured for such a long and arduous journey.[27]

The two sisters-in-law laid out their lengthy case on seven folio pages in February 1568. They accused the *audiencia* judges and all the prosecution witnesses in Mexico City of many crimes. Among them were falsifying documents, lying, perjury, conspiracy, and a rush to judgment. Together they pointed out that some of the witnesses were related by marriage or blood to the judges, making impartiality impossible. Doña María especially argued that the procedures the *audiencia* used for gathering proof against the Ávilas had been "against all law and fashion and [was] something not seen in any *audiencia*." She continued that "they condemned them [the Ávilas] to the most infamous dishonor and atrocious death that they were capable of and executed it upon their persons and all their assets with new ways of cruelty, never seen or heard of among Christians."[28]

It is evident from her complaint that doña María had intimate knowledge of the legal proceedings against her husband and brother-in-law. Time after time she discussed a relevant legal point and offered a counterpoint. She referred to legal precedents and statutes. Although her solicitor or uncle presented the actual petitions, her voice is heard clearly throughout the seven pages. She had witnessed the events, she had experienced the animosity of some jealous *vecinos* of Mexico City, and she and her children had suffered the consequences.

She had to remind the court that formal and specific complaints had been lodged before the Council of the Indies, alleging that wrongful deaths had been ordained and condoned by the *audiencia* judges and others in New Spain when Alonso and Gil, loyal subjects, were accused, convicted, and punished for conspiring against the king. She and her sister-in-law, Isabel, threw themselves on the king's mercy and begged that he learn the truth of the affair and not consent to "the evil and injustice that has already spilt innocent and noble Christian blood and defamed their relatives and descendants."[29] She especially asked that resolution and rectification of the matter not be delayed.

Here was the crux of her concern: she had to do whatever it took to clear the names of the deceased, the living, and future descendants, for if her appeal

was successful, then her children and any other descendants would remain eligible to inherit the property of their deceased father or forebears. Otherwise, they were likely to be deprived forever of the income generated by those lost *encomiendas*. Whatever status and wealth they had enjoyed, except for what she could bequeath to them, would be lost and probably never regained if her plans were unsuccessful.

Ten months elapsed after doña María submitted the first petition before she wrote to the president of the Council of the Indies in December 1568, again asking that her appeal be heard on behalf of herself, her two sons, don Gil González de Ávila and don Juan Alonso de Sosa—named for their grandfathers—as well as the three children of her brother-in-law, Gil González: doña Leonor, doña Juana, and doña María. In this petition she spelled out the trickery and malevolence of certain persons in Mexico City who had set out to destroy the Ávilas. The justices "had proceeded against them [the Ávilas] with excessive haste," she charged, and quickly confiscated all their property.[30] She had heard only bad reports about the three judges sent to New Spain specifically to adjudicate conflicts among its citizens and to quash any signs of rebellion. The Council of the Indies, after having received many complaints, conducted an investigation and agreed that the three judges had done more harm than good. The council proceeded to recall them to Spain, where they were reprimanded. Doña María insisted, as she so often had before, that "the remembrance and reputation of Alonso de Ávila Alvarado and Gil González de Ávila be restored to the first rank" and their property be returned to their children.[31] It was noted on January 8, 1571, more than two years later, that the Council of the Indies had seen her petition and had authorized that a copy of it be given to the court's *fiscal*.[32] Justice moved slowly. A year later the nearly identical petition was still circulating in the royal council.

By 1574 there seemed to be no disposition of her petitions. Still living in Madrid, she authorized the royal accountant in New Spain, Melchor de Legazpí, and Miguel Rodríguez de Acevedo in a power-of-attorney to sell "the rural properties that she has in New Spain, which are the *estancia* called Atocan [Xaltocan] [along with] more than two hundred acres of land . . . [and] also the *estancia* of Guasuchil, and an inn in Guautitlan. [The sale] includes everything—the land and the livestock, slaves, property both movable and fixed, and all the equipment."[33]

This power-of-attorney suggests that not all of doña María's husband's property had been confiscated. The properties listed were not Alonso's *encomiendas*, which had been ordered to be escheated, but his *estancias*. The latter type of property was in fact real estate purchased or granted, rather than the right to collect tribute that an *encomienda* represented. Her right to claim and to sell such property came from her dowry settlement. Doña María had brought to the marriage more than twenty-five thousand silver pesos and an *estancia* valued at more than twelve thousand silver pesos, none of which

could legally be taken from her.[34] She had every right to demand the return of her dowry, in either its original form or its original value.

Doña María's request to sell property formerly owned by her husband indicates that her dowry had been separated out from Alonso's property. In lieu of her original dowry, she accepted the Atocan/Xaltocan and Guasuchil *estancias*, along with the inn in Guautitlan, but it took eight years for her to gain legal possession of them. Because she was now residing in Spain and would henceforth remain there, she had no desire to retain property in New Spain permanently and clearly wished to convert it into cash, in all likelihood to facilitate settling herself in Spain.

As in much of Spanish bureaucracy, the process of divestiture moved slowly. Several months after authorizing the sale of her property, she again issued a power-of-attorney to Legazpí and Acevedo, this time authorizing them to send the proceeds immediately to her in Spain. Only after four years did the Mexico City scribe Rodríguez de León acknowledge receipt of her letter.[35]

Finally, in March 1579 doña María's proxies were ready to send her the proceeds from the sale. They had been able to sell her extensive holdings to a Francisco Rendón. For the price of eight thousand silver pesos, Rendón purchased the Atocan/Xaltocan sheep *estancia* and the two hundred acres on the outskirts of the pueblo of Guautitlan. Included in the sale of Atocan were eight thousand head of sheep, twenty-one oxen with their gear, a house, corrals, and an old black man named Hernando. Within the *estancia* of Atocan itself, a house, an inn, a vegetable garden, a butcher shop, and two plots of land were also sold. The Guasuchil *estancia* had already been sold, although when and to whom are not noted.[36]

From this sale, doña María realized less than half the value of her dowry. Because she was in Spain and could not be directly involved in the disposal of her properties, she had to trust her proxies and take what they could get for her. If her husband had still been alive and had overseen this large a decrease in the value of her dowry, she could have held him legally responsible for the difference. With her husband gone, his property confiscated, and her pleading her case in Spain, she was at a distinct disadvantage in trying to receive fair value for her property in New Spain.

In the spring of 1584, after nearly twenty years of petitioning the Crown, doña María was granted one thousand silver pesos a year for the rest of her life in rental income from property formerly held by her husband. She enjoyed that royal largesse for the next seventeen years, but not without uncertainty. She testily reported to the Crown a year after the grant was made that she was required to inform the authorities in New Spain each year that she was still alive in order to receive the thousand silver pesos. After completing her side of the paperwork, she told the royal officials in Spain, "[I am] receiving considerable harm because of the great need that I have" as a result of not having received her payment in a timely fashion. She petitioned the Crown to

instruct the Mexico City officials to send immediately to the Casa de la Contratación the thousand silver pesos owed her.[37] It is also clear from the documentary record that she borrowed money from relatives, using her yearly stipend as collateral.[38]

Doña María moved from Madrid to Sevilla sometime after the Crown settled her claims, possibly to be closer to her Sosa relatives, who were from Córdoba, or to escape the plague that had reached Madrid in 1598.[39] During the very early 1600s she lived in at least two different Sevilla parishes, Omnium Sanctorum and San Román.[40] Her only heir, a nephew, don Pedro de Avellaneda y Guzmán, reported to the Casa de la Contratación that "doña María de Sosa, my aunt, widowed wife of Alonso de Ávila Alvarado, died on the 26th of April 1601" in Sevilla, probably in her sixties.[41]

Figure 6.3. Parish church of Omnium Sanctorum, Sevilla. Photo by author, 2009.

Figure 6.4. Parish church of San Román, Sevilla. Photo by author, 2009.

Because both her sons, Juan Alonso de Sosa and Gil González de Ávila, died without issue before her, doña María never succeeded in having Alonso's property restored to them as his rightful heirs. Yet perhaps she interpreted the receipt of some royal compensation as recognition of the wrongs done many years before to her husband and his brother and a vindication of her family's reputation.

Although doña María, too, struggled to retain physical property held by her family and to pass it on to her children, she was under very different constraints from those of her grandmother and aunts. The property her husband owned was forcibly removed from her control, and in order to provide for herself and her children she was forced to sell the remaining property she possessed. With little in the way of prospects and with her honor in tatters, she took her case all the way to the royal court in Spain. Doña María, in the family tradition, employed the legal system to regain property that was rightfully hers and to attempt to restore Alonso's property to their

children. Given her financial straits, it is highly probable that, as a widow, she lived out the remainder of her life with the support and favor of relatives, both Sosas and Estradas. These family connections not only aided her in her pleas to the Crown for justice and recompense but also provided her at least a modicum of financial relief.

Doña María had been forced to leave the country of her birth under a legal cloud, with little in the way of financial resources, and to seek out her own and her husband's relatives for whatever they were willing to offer in legal, political, and economic support. Yet despite these enormous difficulties, she remained an independent widow. A young and celebrated beauty, she could easily have remarried. Instead, she chose not to surrender control over property, even after it had been confiscated by the *audiencia*. Was her drive so great to regain the reputation of her deceased husband that she willingly sacrificed other options of personal happiness and economic security so that her children might enjoy both a restored reputation and their father's property? Manifestly, her answer was yes.

Figure 6.5. Signature of doña María de Sosa, copied from AHPS, Oficina 6, Book 1, power-of-attorney, fol. 213, 1601.

CHAPTER SEVEN

A FAMILY OF WIDOWS IN PERSPECTIVE

The widowed women of privilege who have emerged in the preceding pages —doña Marina, doña Luisa, doña Francisca, doña Beatriz, and doña María— exhibited traits we nowadays tend to associate with more "liberated" women. They chose not to remarry and were intimately and significantly involved in the protection and maintenance of family property and in the structuring of family alliances. In addition, doña Francisca showed her mettle in the long and protracted case regarding the guardianship and marriage of her only grandchild. Doña Beatriz, while managing property and ensuring good marriages for her daughters, took a spiritual path, but one on her own independent terms. In the third generation doña María, abruptly widowed, took her case to the royal court. After decades of petitioning, she won concessions from the Crown and in a small measure vindicated and restored her family's honor.

Were the faces of widowhood displayed by these five women unique? The Estrada widows did operate within an established legal framework. Indeed, they appealed to and relied on the *Siete Partidas*, that very "modern" protector of women's rights. They certainly were not trailblazers, but they were knowledgeable about the legal framework that would further their ends. They were not unique, but they were uncommon. Documentary sources show that other widows in New Spain, of similar status and position, remarried and relinquished control of many aspects of their lives to their husbands. They lived out their lives in the shadows of their male relatives, not because they

were legally forced to but because their choices reflected a societal tendency. The five Estrada widows chose another avenue, an avenue in which "widowhood or advancing age brought economic power and some independence to individual women."[1] These independent widows, although legally required to remarry wijhthin a year if they hoped to retain control of inherited *encomiendas*, were among the few "who extended their single status beyond this limit and ran all kinds of enterprises with the labor of their encomienda Indians."[2] Operating under the rules of guardianship, the Estrada widows retained control of vast inherited *encomiendas* for many years.

Although considered beyond childbearing age, the forty-year-old doña Marina, as one of the rare Spanish women with property and prestige in New Spain in 1530, was a highly desirable candidate for marriage. Yet she deliberately chose an independent widowhood, preserving her own and her family's power and control of wealth. Doña Luisa, widowed in her mid-twenties; doña Beatriz, at thirty; and doña María, at thirty-four, were all capable of having additional children, if attracting second husbands on that ground had been their aim. More to the point, all but doña María controlled enviable properties that generated substantial income. Doña María had been stripped of property in the conspiracy allegations, but being something of a charmer and a beauty, she almost certainly could have found another husband in New Spain or Spain. She chose not to, seeking instead to regain her family's important property base. Only doña Francisca, widowed at forty-seven, might have been relatively unattractive to a husband intent on heirs or interested in property. The major portion of the Ávalos estates had devolved upon her son and daughter when they married, although doña Francisca retained some claim to tribute in her widowhood, along with the return of her dowry. She was, however, extremely well connected and thus a possible match for an ambitious bachelor or widower wishing to improve his social status. She, too, though, remained an independent widow absorbed in extending her family's wealth and status.

Study of the tradition of autonomous widowhood among the Estradas underscores the internal as well as the external forces at play in a woman's decision about whether to remarry. More than a role model, doña Marina was a mentor for her daughters, schooling them in the economics and politics of family life. Her daughters were steeped in her worldview and experienced its successful application. If their mother could remain a successful, powerful, independent widow, then so could they. Options are available only when one sees those options. Doña Marina made it abundantly obvious to her daughters that widowhood had its rewards. But who were doña Marina's role models?

The seeds of her independence of mind, determination, and competence were surely sown during her youth in Almagro, where she witnessed firsthand her family's and her neighbors' will and canniness to survive and even flourish during the ravages of the Inquisition. Her mother and father saw to it that doña Marina learned to read, write, and do sums, and those skills not only

proved useful throughout her life but also bolstered her self-confidence. Being literate, she was not reliant on others to take up her causes; she could manage them herself. It seems likely that during her marriage to Alonso she exercised her talents and abilities in managing the family's domestic affairs, which became a habit she would not relinquish lightly. Confident of her abilities, she might well have seen remarriage after Alonso's death as surrender to another's will and objectives, which would place the fate of her children and grandchildren in the hands of someone for whom it was not of utmost importance. As a great lady of her time in New Spain, she was in large part the product of the succession of social environments in which she lived.

It has been said that "great ladies of the day are often but shadows from this distance," and when seen at all, they are "usually portrayed as silly, passive, dependent creatures."[3] Part of the struggle to bring some of those great ladies into the light has to do with prevailing historical perspectives. Among the most entrenched is the view of a pre-seventeenth-century patriarchal Spanish society. Historians often make deductions about seventeenth-century colonial society in Mexico and then extrapolate from them to understand the sixteenth century. But what might have been the case at a later time does not adequately explain the workings of Spanish society in either medieval Spain or the early colonial period of New Spain.

It is enlightening to point out some of the entrenched patriarchal historical perspectives that persist, clouding our understanding of women's positions in the early to mid-colonial period. For example, even as late as 1987 the historian François Giraud claimed that women were considered inferior and subservient to men in New Spain.[4] María Isabel Barbeito Carneiro, adhering to the patriarchal perspective that women were not free to make choices, posited in 2001 that "during this time [the golden age], women in Spain were constrained by social imperatives that made it difficult for them to control their own destiny." She acknowledged that "many surviving texts attest to some women's vocal dissatisfaction with the patriarchal status quo," but she credited their dissatisfaction to "nascent feminist attitudes," rather than acknowledging the legal rights held and used by women in golden age Spain.[5] These vocal women were not running counter to the system; they were operating rightfully within it.

The question is whether a perception of women's inferior status and severely limited activity really held sway during the sixteenth century and whether historians' views express a simplistic understanding of a complex society along with an overlay of modern standards. Is the vision of a thoroughly patriarchal Spanish colonial society during the 1500s largely a projection backward of attitudes from the late seventeenth and early eighteenth centuries, rather than an accurate reflection of women's lives in the sixteenth century as represented by the stories of the Estrada widows? It would be wise to heed the historian Susan Socolow's warning that "the culture of patriarchy was never as absolute in reality as it was in theory."[6] Have

historical accounts of women in the early colonial period in New Spain frequently been warped by the assumption that the course of social time trends relentlessly toward improvement and expansion of opportunity for all people? Have historians too often presumed a consistent, centuries-long trajectory for Hispanic women from positions of male tutelage to freedom of independent action? The record of the Estrada widows and other women of sixteenth-century New Spain shows that rather than consistent progress for women since the Middle Ages, an early period of comparative freedom for women was succeeded by a severe repressive turn, from which it has taken centuries to recover.

The historian Mary Elizabeth Perry confronted the myopia of certain viewpoints when she said about the early modern period in Sevilla, "Feminist literary criticism suggests one way to remedy this problem of gender bias in historical sources. Reading a subtext, we can ask what was not said and why. We can look at the power context in which statements were made and recorded, and we can look for the ways that women spoke with their feet and hands, doing things that belied or refined testimony about them."[7]

Similarly, Helen Nader, writing about women in Renaissance Spain, remarked that "women's visibility in their own time provides a stark contrast to the invisibility of real noblewomen in modern scholarship about golden age Spain." It is her contention that patriarchy coexisted with matriarchy, but I believe that even those classifications muddy the historical perspective. As I discovered while studying the Estrada women—and a point with which Nader agrees—although certain laws prescribed that women act through men in legal proceedings, many documents reveal women navigating the system successfully and independently. And I agree with Nader that women who acted on their own behalf were not exhibiting subversive behavior; rather, they were powerful women filling the gaps in legalistic and predominantly male society.[8] In the same vein, Grace Coolidge demonstrated that "women participated actively in the family strategies with which nobles sought to gain property, and, through property, power." This participation was due in part to the concept of partible inheritance, which gave power to women through economics.[9] These findings are borne out in my research as well, and they point out the complexity of women's roles in Spanish society.

The examples of the Estrada widows strengthen the arguments of two other historians, Kimberly Gauderman and James Lockhart, who have successfully demonstrated in their studies of mid-colonial Quito and early Peru, respectively, that the patriarchal lens distorts our perceptions of the ways in which European and Euro-American women exercised power in the sixteenth century.[10] Their work contrasts with studies of widows in medieval Europe more generally and, to a lesser degree, with examinations of the Spanish experience.[11] Writing about the same time period in England, the historian Joan Larsen Klein concluded that "only an exceptional woman . . . was able to escape the restrictions that her father, her husband, and

her society imposed upon her, only an exceptional woman . . . became well educated, only exceptional women whom we now notice in histories and anthologies."[12] If one assumes that this overwhelmingly dominant patriarchal model of society prevailed throughout all of Europe, then one misses frequent exceptions to the "rule." Castilian law had, from the Middle Ages, ensured that women had much more say in how they lived their lives and how their lives were legally protected, both during and after marriage, than Klein's image of English women would suggest was possible.

I am indebted to Gauderman for having put her finger exactly on the incongruity I ran up against repeatedly during my research: Why don't the Estrada women fit the patriarchal paradigm? Were they exceptional? Gauderman's work echoes what I have found to be true—that Spanish women enjoyed privileges their northern European counterparts did not. Therefore, assuming that they were like their northern European counterparts hinders our understanding of their lives. This is not to say that Spanish men did not hold more power and authority than women. Theirs was not a co-equal paradigm, either.

This exploration of one family of independent widows in sixteenth- to early-seventeenth-century New Spain lends support for a nonpatriarchal societal model for the early colonial period there and illustrates the continuity of Spanish views regarding women's place in society from Spain to New Spain. Patricia Seed noted that the less pervasively patriarchal tradition evident in the sixteenth century in New Spain did not survive long into the seventeenth century. She contended that the conquest society ended around 1580, and by the mid-seventeenth century ties with Spain were weakened, giving rise to or reconfirming a patriarchal tendency in Spain's New World empire. Yet even in those circumstances, Seed cautioned, "patriarchalism was a powerful and persuasive ideology in society at large, but it was not monolithic."[13]

What proved most fascinating for me in studying the Estrada widows was the rare opportunity to trace generational choices and illuminate the similar threads in the women's stories: protection of property, assertion of guardianship, and preservation of reputation through legal avenues. Each of the Estrada widows grasped the reality that only through the control of property could one hope to survive widowhood on one's own in early colonial New Spain. Without a means of support for herself or her family, a widow would be condemned to powerlessness. Any hope or pretension she might have harbored to hold her place in society or advance her children would in all likelihood have languished. Without property and the income it could generate, providing enticing dowries for daughters and sustaining households for sons within the privileged class would have been out of the question. Without income, reputations could be sullied by family members' having to seek employment or, failing that avenue, then by grinding poverty, possibly generated by a husband's debts. Although the Estrada widows were probably

considered wealthy by their contemporaries, they were also competent to manage their family property advantageously.

Most of the Estrada widows had the option to remarry, relinquish control of property, and lose guardianship of their children. Instead, they applied their considerable talents, connections, and strengths to maintaining their family's property, often through the guardianship of their underage children. At the same time, they preserved their autonomy, something they all clearly cherished.

The trauma of losing one's husband and the resulting reduction or loss of income, emotional devastation, burden of child-rearing, and threatened loss of status—all these emotional blows are hidden from view in the bureaucratic and legalistic framework in which we find the Estrada widows' stories. The judicial foreground of their stories, from a documentary point of view, focuses on the practical and is bereft of the traumatic. This additional, unseen reality of widowhood should never be far from our minds as we sift through the documentary record. Perhaps we glimpse it in the tenacity with which these women fought to hold onto what was left to them: property and position. Rather than construing their actions as grasping and self-serving, we can empathize with their plight as widows in desperate need of any safety net they could salvage, demand, or create for themselves and their children.

As in all historical research, there is never enough time—or should I say, lifetimes?—to locate all the pertinent, extant documents revealing aspects of the lives of people we want to know about. There remains a wish list, a list of documents that could shed further light on the dark recesses of these women's lives in colonial New Spain. Where are their dowry documents, for example? If I had been able to uncover doña Marina's will, what might it have contained? Did doña Beatriz in her will refer to her daughters Mayor and Gerónima, thereby providing additional clues to their whereabouts? Were these five Estrada women mentioned with affection in the wills of their husbands and explicitly trusted in their judgments?

Some documents have been destroyed by nature, and some by human actions or neglect. Still others are off-limits to researchers. Perhaps in some small, local archive, answers to my persisting questions exist. It would take a stroke of luck, unlimited time and resources, or perhaps another scholar stumbling upon eye-opening data while researching a different topic to fill in the gaps in this study. But in the end, we can hope that sooner or later more women of the sixteenth and early seventeenth centuries will emerge from oblivion to enrich our notions of early colonial New Spain.

ABBREVIATIONS USED IN THE NOTES AND REFERENCES

AGI	Archivo General de Indias, Sevilla
AGN	Archivo General de la Nación, Ciudad de México, Instituciones Coloniales
AGNot	Archivo General Notarías, Ciudad de México
AGS	Archivo General de Simancas, Simancas, Spain
AHMA	Archivo Histórico Municipal, Almagro, Spain
AHN	Archivo Histórico Nacional, Madrid and Toledo
AHPS	Archivo Histórico Protocolos, Sevilla
APSMM	Archivo de la Parroquia del Sagrario Metropolitano de México
RAH	Biblioteca del Real Academia de la História, Madrid

NOTES

INTRODUCTION

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2. Herbert E. Bolton, *Coronado, Knight of Pueblos and Plains* (Albuquerque: University of New Mexico Press, 1949), 20.
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CHAPTER ONE

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2. See the essays in Mirrer, *Upon My Husband's Death*.
3. Joel T. Rosenthal, "Aristocratic Widows in Fifteenth-Century England," in *Women and the Social Structure of Society: Selected Research from the Fifth Berkshire Conference on the History of Women*, ed. Barbara J. Harris and JoAnn K. McNamara (Durham, N.C.:

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18. Mirrer, *Upon My Husband's Death*, 1.
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CHAPTER TWO

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9. Peggy Liss, *Isabel the Queen: Life and Times* (New York: Oxford University Press, 1992), 263; Ann Twinam, *Public Lives, Private Secrets: Gender, Honor, Sexuality, and Illegitimacy in Colonial Spanish America* (Stanford, Calif.: Stanford University Press, 1999), 4.
10. "Proofs of Jorge de Alvarado y Villafañe"; AGI, Justicia 213, N.4, "Lawsuit regarding Teocaluyacan and Cayuca, 1551," fols. 61v–65v; Flint, "*Sangre Limpiada*," 35; *Documentos inéditos relativos a Hernan Cortés y su familia*, Publicaciones del Archivo General de Nación (Mexico City: Talleres Graficos de la Nación, 1935), 327.
11. Flint, "*Sangre Limpiada*," 35–36; Francisco Fernández del Castillo, "Alonso de Estrada: Su familia," *Memorias de la Academia Mexicana de la Historia* 1 (1942): 398–431, 400–402; AHMA, Legajo 1/XVI, Documento 1, "Libro de Acuerdos Municipales, año 1510," fol. 32r.

12. During Jorge Alvarado y Villafañe's 1587 request for the Order of Santiago, witnesses in Ciudad Real attested that the de la Caballería family had filed lawsuits regarding its clean blood and that it had received a *carta executoria de hidalguia*. "Proofs of Jorge de Alvarado y Villafañe." In Almagro, persons stated that they had seen the written title of nobility granted by King Enrique IV. José Pérez Balsera, *Los caballeros de Santiago* (La Paz, Perú: Biblioteca Histórica y Genealógica, 1933), 4:37.
13. Howe, *Education and Women*, 31–58.
14. "Informes de los conquistadores y pobladores," fol. 146v. Trials continued in Toledo up to 1512; see Haim Beinart, ed., *Records of the Trials of the Spanish Inquisition in Ciudad Real*, vol. 2 (Jerusalem: Israel National Academy of Sciences and Humanities, 1977), 8. See Flint, "*Sangre Limpiada*," for a full discussion of Marina's Jewish heritage.
15. Flint, "*Sangre Limpiada*," 36, 43. Rumors circulated that Alonso was the illegitimate son of King Fernando, but convincing evidence exists of their untruth. "Some say that this line, Estrada, was founded by Diego Duque, bastard son of the king of León, but that is mistaken." Alberto García Carraffa and Arturo García Carraffa, *Enciclopedia heráldica y genealógica; Diccionario heraldico y genealógico de apellidos españoles y americanos* (Madrid: Nueva Imprenta Radio, 1956), 203–12. Evidence also comes from Mari Hernández Hidalgo, a cousin of Alonso's, who provided a genealogy of the Estradas. "Proofs of Jorge de Alvarado y Villafañe," fols. 25r–26r. See also Fernández del Castillo, "Alonso de Estrada," 399, and Francisco Fernández de Bethencourt, *Historia genealógica y heráldica de la monarquía española casa real y grandes de España*, vol. 9 (Madrid: Jaime Ratés, 1912), 499.
16. Eva Alexandra Uchmany, "De algunos cristianos nuevos en la conquista y colonización de la Nueva España," in *Estudios de Historia Novohispana* (Mexico City: Universidad Nacional Autónoma de México, 1985), 8:282.
17. Flint, "*Sangre Limpiada*," 47.
18. Ibid., 35–54.
19. Peter Boyd-Bowman, *Indice geobiográfico de cuarenta mil pobladores españoles de América*

en el siglo XVI (Mexico City: Editorial Jus, 1968), vol. 2, no. 366; AGI, Indiferente General 1961, L.2, "Summons against the heirs of Alonso de Estrada, 1532," fol. 218r–v; RAH, Colección Salazar y Castro, Libro 9/905 (M-99), "The Gutiérrez de la Caballeria family," fols. 209–35.

20. AGI, México 124, R.5, "Merits and services of Francisco Pacheco de Córdova y Bocanegra, 1605," fol. 3r–v; Archivo Municipal, Ciudad Real, Ciudad Real, Spain, "Libro de Actos, 1512," 3. Tracking Alonso's movements is problematic. Because the documentary record provides few concrete dates, I have worked backward and forward to create a timeline for this part of his career. There are two concrete data points: the baptism of his and doña Marina's daughter Catalina on 28 June 1518, while Alonso was a city councilman of Ciudad Real ("Bautismos: Parroquia San Pedro, Libro I, 1517–1530," Archivo de Diocesano, Ciudad Real, Ciudad Real, Spain, 9), and Alonso's appointment as treasurer for New Spain on 15 October 1522, while he was serving in Cáceres as corregidor (Joaquin F. Pacheco, Francisco de Cárdenas, and Luís Torres de Mendoza, eds., *Colección de documentos inéditos relativos al descubrimiento, conquista y organización de las antiguas posesiones españoles de América y Oceania* [Madrid: Manuel G. Hernandez, 1864–1884], 2: 68–69). Backtracking from Catalina's baptismal date, doña Marina was most likely pregnant by October 1517, placing Alonso in Ciudad Real at that time.

In 1547 doña Marina gave a brief timeline for her husband's activities without specifying actual dates: "After he served in Flanders he was ordered to go to Málaga with the post of Almirante [admiral], from there he was ordered to Sicily for three years . . . ; he came from there and served [the king] in the communidades as corregidor of Cáceres . . . ; and from there he was appointed treasurer of New Spain" ("Informes de los conquistadores y pobladores," fol. 146v). If I am correct in assuming that there was no break in his career, then he was serving in Sicily from 1519 to 1521, just before his assignment to Cáceres. Between these two points in time, their daughter doña Ana was conceived and born, judging from Ana's own statement in May 1535 that she was more than fifteen years old and probably had not yet reached sixteen (AGI, Justicia 124, N.3, "Lawsuit between Juan Alonso de Sosa and Hernando de Herrera, 1535"). Obviously, Alonso came home on leave during his three-year posting in Sicily.

As doña Marina noted, Alonso served some time in Flanders, but when and why? I suggest that, given Alonso's high-profile assignments after service in Flanders and his connections with doña Marina's important family, he might have been asked to go to Flanders in 1516, the year Carlos V assumed the throne—alongside his mother, Juana—in order to escort the king to Spain, arriving in 1517 (Henry Kamen, *Philip of Spain* [New Haven, Conn.: Yale University Press, 1997], 1). The 1517 date meshes with the dates of

Catalina's conception and birth. Prior to 1516 Alonso was most likely in Ciudad Real, because his daughter doña Marina was conceived and born no later than 1516 (AGI, Justicia 153, N.3, Pieza 2, "Lawsuit between Juan de Saavedra and Alonso de Estrada, his brother, 1557").

21. AGI, Patronato 74, N.1, R.1, "Merits and services of Nuño de Córdova Bocanegra y de la Cueva, 1605," fol. 1r.
22. Flint, "*Sangre Limpiada*," 49.
23. "Lawsuit regarding Teocaluyacan and Cayuca," fols. 61v–65v; "Informes de los conquistadores y pobladores," fol. 146v.
24. Cristóbal Bermúdez Plata, *Catálogo de pasajeros a Indias durante los siglos XVI, XVII, y XVIII* (Sevilla: Editorial de la Gavidia, 1942), 2:2133.
25. Ida Altman, *Emigrants and Society: Extremadura and America in the 16th Century* (Berkeley: University of California Press, 1989), 150–55.
26. Guillermo Porras Muñoz, *El gobierno de la Ciudad de México en el siglo XVI* (Mexico City: Universidad Nacional Autónoma de México, 1982), 188.
27. Fernández de Bethencourt, *Historia genealógica*, 9:498; Boyd-Bowman, *Indice geobiográfico*, vol. 2, no. 3672.
28. Fernández del Castillo, "Alonso de Estrada," 398, 402.
29. Pareja Ortiz, *Presencia de la mujer sevillana en Indias*, 22.
30. Boyd-Bowman, *Indice geobiográfico*, vol. 2, nos. 3663a, 3661a, 3672; Fernández de Bethencourt, *Historia genealógica*, 9:498; "Proofs of Jorge de Alvarado y Villafañe," fol. 14v.
31. AGI, México 95, N.2, "Two letters providing the guarantees of Alonso de Estrada, 1523." For a good discussion of money and currency in sixteenth-century New Spain, see Thomas C. Barnes, Thomas H. Naylor, and Charles W. Polzer, *Northern New Spain: A Research Guide* (Tucson: University of Arizona Press, 1981), 66–67. For purposes of simplicity I have converted all monetary values to the silver peso, using the value of one silver peso = one *peso de oro común* = 272 *maravedís*. To clarify further the value of money at the time, according to John Frederick Schwaller the viceroy generally earned about 25,000 pesos a year; judges, between 2,000 and 3,000 pesos annually; minor bureaucrats, from 100 to 300 pesos a year; and priests on average 250 pesos a year (using the *peso de oro común*). John

Frederick Schwaller, *Origins of Church Wealth in Mexico: Ecclesiastical Revenues and Church Finances, 1523–1600* (Albuquerque: University of New Mexico Press, 1985), 8.

32. Francisco A. de Icaza, *Diccionario autobiográfico de conquistadores y pobladores de Nueva España* (Madrid: Adelantado de Segovia, 1923), vol. 2, no. 1235; Porras Muñoz, *El gobierno de la Ciudad de México*, 444, 441.
33. John H. Parry and Robert G. Keith, eds., *New Iberian World: A Documentary History of the Discovery and Settlement of Latin America to the Early 17th Century* (New York: Times Books, 1984), 3:316.
34. AGI, Contaduría 657, N.2, "Treasurers' reports, 1521–31," fol. 11r–22v.
35. AGI, Indiferente General 415, L.2, "Instructions to Alonso de Estrada, 1522," fols. 439r–440v.
36. Hugh Thomas, *Conquest* (New York: Simon and Shuster, 1993), 574.
37. Francisco López de Gómara, *Cortés: The Life of the Conqueror by His Secretary*, trans. and ed. Lesley Byrd Simpson (Berkeley: University of California Press, 1964), 324.
38. Fernández del Castillo, "Alonso de Estrada," 404; *Actas de Cabildo de la Ciudad de México*, edición del "Municipio Libre," publicada por su propietario y director Ignacio Bejarano (Mexico City: Aguilar e Hijos, 1889–), Book 1 (1524–1529), 20, 155.
39. AGI, Patronato 57, N.1, R.2, "Probanza of Francisco de Albornoz Marmolejo, 1592."
40. Fernández del Castillo, "Alonso de Estrada," 403, 498. His coat of arms, if one did exist, is missing or was never moved to the final church location.
41. J. Ignacio Rubio Mañé, "Traslado de los restos mortales del virrey don de Velasco, el viejo, año de 1594," *Boletín del Archivo General de la Nación*, segunda serie, tomo VIII, nums. 1–2 (Jan.–Mar., Apr.–June) (Mexico City: Archivo General de la Nación, 1967): 35–36; AGI, México 204, N.31, "Petition from the Dominicans for a new monastery, 1552."
42. Fernando Benítez, *The Century after Cortés* (Chicago: University of Chicago Press, 1965), 221; Boyd-Bowman, *Indice geobiográfico*, vol. 2, no. 3672.
43. The *Siete Partidas* came out of the older *fueros*; see Dillard, *Daughters of the*

Reconquest, 4, 149.

44. AGI, Indiferente General 1963, L.9, "Request for a ship's register in the case of Alonso de Sosa and Herrera, 1540," fols. 186v–187r.
45. A. Millares Carlo and J. I. Mantecon, *Indice y extractos de los Protocolos del Archivo de Notarías de México, D.F.* (Mexico City: Colegio de México, 1945–1946), vol. 1, nos. 1442, 1443; De Backer, *Widowhood in Early Modern Spain*, 298.
46. AGI, Indiferente General 426, L.25, "Finiquito de la cuenta de Alonso de Estrada (no date)," fol. 199v.
47. Fernández del Castillo, "Alonso de Estrada," 405.
48. Paul A. Jones, *Coronado and Quivira* (Lyons, Kans.: Lyons Publishing, 1937), 202; Fernández del Castillo, "Alonso de Estrada," 403.
49. Socolow, *Women of Colonial Latin America*, 12.
50. Dillard, *Daughters of the Reconquest*, 114.
51. See the essays in Nader, *Power and Gender in Renaissance Spain*.
52. De Backer, *Widowhood in Early Modern Spain*, 10.
53. Dillard, *Daughters of the Reconquest*, 122.
54. *Compendio de los comentarios extendidos por el maestro Antonio Gómez*, 77 (page citations are to the reprint edition); Dillard, *Daughters of the Reconquest*, 112.
55. Fernández del Castillo, "Alonso de Estrada," 403; "Informes de los conquistadores y pobladores," fol. 146v.
56. Lesley Byrd Simpson, *The Encomienda in New Spain: The Beginning of Spanish Mexico* (Berkeley: University of California Press, 1982), 160–61.
57. Dillard, *Daughters of the Reconquest*, 106.
58. AGI, México 1088, L.1BIS, "Several royal cédulas regarding requests made by doña Marina Gutiérrez Flores de la Caballería, 1530," fol. 22v–24r.
59. Rubio Mañé, "Traslado de los restos mortales," 36.
60. Grace E. Coolidge, *Guardianship, Gender, and the Nobility in Early Modern Spain* (Burlington, Vt.: Ashgate, 2011), 156; Scott and Burns, *Siete Partidas*, Partida VI, Title XVI, 5:1284–92.
61. AGI, Justicia 191, N.6, Pieza 1, "Fiscal against the heirs and wife of Alonso de Estrada, 1537," fol. 4r; AGI, Patronato 76, N.2, R.10,

"Includes the guardianship papers for doña Marina, wife of Alonso de Estrada, 1532," fol. 33v; Coolidge, *Guardianship, Gender, and the Nobility*, 21, 30.

62. "Several royal cédulas," fols. 22v–24r.

63. "Probanza of doña Marina," fol. 1r: "la enfermedad de que moria el dicho su marido fue corta y no pudo dejar muy concertadas sus cuentas . . . como ella es muger e no ynstruta para dar las dichas cuentas . . . "; "podria ser que se le hiziese alguna alcance y entretanto que buscase el descargo del los que toman las d. cuentas." It was not uncommon for a widow to be responsible for the debts of her husband. Dillard, *Daughters of the Reconquest*, 82.

64. "Probanza of doña Marina," fol. 1r: "que daria destruydo ella e sus hijos."

65. Pacheco, Cárdenas, and Torres de Mendoza, *Colección de documentos inéditos*, 32: 444–48.

66. AGI, Indiferente General 422, L.15, "Royal cédula to investigate the claims made by doña Marina, 1532"; "Royal cédula regarding money owed doña Marina, 1532."

67. "Summons against the heirs of Alonso de Estrada," fol. 218r–v.

68. Pacheco, Cárdenas, and Torres de Mendoza, *Colección de documentos inéditos*, 32: 471–73; AGI, Indiferente General 1961, L.3, "Containing information on money owed by Alonso de Estrada, treasurer, 1534," fols. 48v–50r, 144v–145r; AGI, Contaduría 672, N.2, "Contador Gonzalo de Aranda vs. the heirs of Alonso de Estrada, 1549."

69. "Several royal cédulas," fols. 22v–24r; AGI, México 1088, L.2/1, "Cédula to the officials of Nueva España, 1532," fols. 99r–v, 120r–v.

70. AGI, Justicia 117, N.3, "Doña Marina's request for the return of one-half of Tlapa, 1532," fol. 1r: "el marques del valle en el tiempo que fue governador desta nueva espana por vuestro magestad fue encomendido la estancia e yndios de tepeaca al dicho tesorero mi marido y estando en esta posesyon uso e aprovechamientos dellos nuno de guzman y los licenciados matiença y delgadillo presidente y oydores que fueron desta real audiencia se lo quitaron e se lo dieron el dicho repartimiento a pero armyldez cherino vuestro veedor."

71. "Doña Marina's request for the return of one-half of Tlapa," fols. 1r, 51r; *Epistolario de Nueva España, 1505–1818*, compiled by

Francisco del Paso y Troncoso (México City: José Porrua e Hijos, 1939–1942), vol. 3, nos. 127, 28–29.

72. "Doña Marina's request," fol. 1r: "los dichos presidente y oydores le dieron en nonbre de vuestro magestad en deposyto e encomienda la mytad de la estancia e yndios de tlapa como estoy rebcaudo por la cedula e titulo del dicho deposyto que de la dicha estancia le dieron y estando el dicho my marido en esta posesyon uso e aprovechamiento de la dicha estancia e yndios de la mytad de tapachastaque el dicho tesorero fallescio e despues de fallescido se me encomendaron."

73. Pacheco, Cárdenas, and Torres de Mendoza, *Colección de documentos inéditos*, 2:194–95.

74. AGI, Indiferente General 423, L.18, "Lawsuit between Juan Alonso de Sosa and the fiscal, 1538," fol. 33r.

75. AGI, Justicia 259, N.2, Pieza 1–2, "Tello de Sandoval's charges against Viceroy Mendoza, 1546," fols. 16r–18r; AGI, Justicia 267, "Report of the pueblos given in encomienda—visita of Francisco Tello de Sandoval, 1546," fol. 387r.

76. AGN, Mercedes, vol. 2, expediente 287, "Grant of tribute to doña Marina, 1543," fol. 111r.

77. "Lawsuit regarding Teocaluyacan and Cayuca"; AGI, Justicia 205, N.4, "Fiscal vs. Luisa de Estrada regarding Teocalhueyacan, 1559," fol. 1r. A faithful copy of the assignment of Teocaluyacan was inserted in "Lawsuit regarding Teocaluyacan and Cayuca," fol. 12r: "Por la presente se depositar en vos doña Marina muger de Alonso de Estrada tesorero de su magestad el senor y naturales del pueblo de Teucaluyacan para que os sirvais del en vuestras haciendas e granherias conforme a las ordenancas que sobre ella estan hechas an tanto que los industridado y enseñado en las cosas de nuestra santa fe catolica e para que los comparado e defendado de las personas que danoles quisiered hazer fecho a dos de Julio de 1526 Fernando Cortes." Perhaps Cacayuca could be identified with Cayuca, which would have been a sub-*cabecera* of Tututepec in Tlaxcala. Peter Gerhard, *A Guide to the Historical Geography of New Spain*, rev. ed. (Norman: University of Oklahoma Press, 1993), 337; Simpson, *Encomienda in New Spain*, 78.

78. José Luis Martínez, ed. *Documentos Cortesianos* (Mexico City: Universidad Nacional Autónoma de México, 1991), 2: 49–50. Cortés complained that the property was held without title.
79. *Actas de Cabildo*, Book 1 (1524–1529), 59, 72, 155, 79. The Tacuba causeway (*calzada*), one of three Aztec causeways, led west out of Mexico City. Francisco Cervantes de Salazar, *México en 1554* (Mexico City: Universidad Nacional Autónoma de México, 1984), 112.
80. Millares and Mantecon, *Indice y extractos de los Protocolos*, vol. 1, no. 1581; Pilar Gonzalbo Aizpuru, coordinator, *Indices y catálogo de escrituras del siglo XVI: Archivo Histórico de Notarías de la Ciudad de México* (Mexico City: Colegio de México, 1990), no. 1104.
81. AGN, Mercedes, vol. 2, expediente 59, frame 57, "License granted to Gonzalo de Salazar to cut vigas near the inn of doña Marina, 1543"; Fernández del Castillo, "Alonso de Estrada," 408.
82. *Actas de Cabildo*, Book 1 (1524–1529), 73, 145, 174, Book 4 (1536–1550), 288.
83. Araceli Peralta Flores, *La hacienda de Santa Mónica: Tlalnepantla, Estado de México. Su historia y arquitectura* (Mexico City: Instituto Nacional de Antropología e Historia, 2005), 17, 14, 109–10; *Actas de Cabildo*, Book 4 (1536–1550), 288. Also of interest is Rebeca López Mora, *El Molino de Santa Mónica: Historia de una empresa colonial* (Zinacantepec, Mexico: Colegio Mexiquense and Fundación Cultural Antonio Haghenbeck y de la Lama, 2002).
84. Fernández del Castillo, "Alonso de Estrada," 407.
85. *Actas de Cabildo*, Book 4 (1536–1550), 198.
86. Fernández del Castillo, "Alonso de Estrada," 407.
87. François Chevalier, *Land and Society in Colonial Mexico: The Great Hacienda* (Berkeley: University of California Press, 1963), 231.
88. AGI, Justicia 107, N.2, R.11 (s/fol.), "Lawsuits of Alonso de Estrada, 1529"; AGI, Justicia 108, N.2, "Lawsuits of Alonso de Estrada, 1529."
89. Fernández del Castillo, "Alonso de Estrada," 404; AGI, Indiferente General 422, L.16, "Summons to doña Marina" and "Final judgment against doña Marina in the Paz

lawsuit, 1533," fol. 50v; AGI, Indiferente General 422, L.16, "Final judgment in the lawsuit of Bernardino Vazquez de Tapia vs. Alonso de Estrada, concerning possession of some Indians, 1535," fol. 215v; AGI, Indiferente General 422, L.17, "Summons to the heirs of Estrada regarding the Bernardino Iñiguez lawsuit, 1536," fol. 10r.

90. "Several royal cédulas," fols. 22v–24r; AGI, Contratación 5787, N.1, L.4, "Royal cédula to pay the heirs of Alonso de Estrada, 1538," fols. 74v–75.
91. "Several royal cédulas," fols. 22v–24r; AGI, Indiferente General 422, L.15, "Royal cédula giving doña Marina license to import three slaves, 1532," fols. 211v–212r.
92. AGI, México 216, N.8, "Request for payment of Alonso de Estrada's salary while governor included in the merits and services of Alonso Destrada of San Ildefonso, 1581"; AGI, Patronato 55, N.3, R.1, "Merits and services of Jorge de Alvarado, 1581"; "Fiscal against the heirs"; "Cédula to the officials of Nueva España," fols. 138r–139r.
93. *Catálogo de la colección de don Juan Bautista Muñoz* (Madrid: Real Academia de la História, 1954–56), vol. 2, 757; AGS, Cámara de Castilla, Memoriales 204, N.32, "Request by Luis Alonso de Estrada [no date]," fol. 1r.
94. AGI, Indiferente General 422, L.15, "Royal cédula to investigate the claims made by doña Marina," fol. 152r–v; AGI, Justicia 973, N.2, R.1, "Request by Luis Alfonso de Estrada for his father's salary, 1532."
95. "Lawsuit between Juan de Saavedra and Alonso de Estrada," fol. 3r.
96. AGN, Mercedes, volume 3, expediente 22, "Grant of tribute to doña Marina on behalf of her grandsons, 1550," fol. 11v.
97. "Probanza of doña Marina," fol. 1r.
98. Dillard, *Daughters of the Reconquest*, 216.
99. Fermín Marín Barriguete, "La epoca de los Austrias," in Sánchez Sánchez, *Provincia de Ciudad Real (II): Historia*, 265–70.
100. Pareja Ortiz, *Presencia de la mujer sevillana en Indias*, 106; Jarrett, *Social Theories of the Middle Ages*, 69–93.
101. "Lawsuit regarding Teocaluyacan and Cayuca, 1551."

CHAPTER THREE

The epigraph is from "Lawsuit regarding Teocaluyacan and Cayuca," fol. 10v.

1. See chapter 2, note 20.
2. Boyd-Bowman, *Indice geobiográfico*, vol. 2, no. 3676a.
3. Himmerich y Valencia, *Encomenderos of New Spain*, 119.
4. Porras Muñoz, *Gobierno de la Ciudad de México*, 412–15. Jorge was present in Mexico City on 5 September 1526, possibly his wedding day or thereabouts. Martínez, *Documentos Cortesianos*, 1:387. Some historians contend that Jorge was married to and widowed by Lucía Xicotencatl, daughter of the cacique of Tlaxcala. All that can be confirmed at this point is that Jorge did have a natural son, referred to as an *español*, and a natural daughter, doña Francisca de Alvarado, married to Francisco Giron and living in Guatemala. The term *natural child* designated one category of illegitimacy, in which the child was born to unmarried parents who had no impediment to marriage and was recognized by the father as his own. This designation suggests that Jorge and Lucía were never married. See Powers, *Women in the Crucible of Conquest*, 133; AGI, Patronato 59, N.1, R.2, "Merits and services of Francisco Giron, Guatemala, 1550s"; Hillerkuss, *Diccionario biográfico*, 2:101.
5. Scott and Burns, *Siete Partidas*, Partida IV, Title I, Law VI, 4:882.
6. Fernández del Castillo, "Alonso de Estrada," 405.
7. *Actas de Cabildo*, Book 1 (1524–1529), 75–76; Joaquín García Icazbalceta, ed., "Fragmento de la vista hecha a don Antonio de Mendoza," in *Colección de documentos para la historia de México* (Mexico City: Antigua Librería, 1866), 2:1650; *Provisiones, cédulas, instrucciones de su magestad, ordenanças de difuntos y audiencia* (Mexico City: Pedro Ocharte, 1563), 1:39.
8. Boyd-Bowman, *Indice geobiográfico*, vol. 1, no. 259; "Informes de los conquistadores y pobladores," fol. 100r.
9. Baltasar Dorantes de Carranza, *Sumaria relación de las cosas de la Nueva España con noticia individual de los descendientes legítimos de los conquistadores y primeros pobladores españoles* (Mexico City: Museo Nacional, 1902), 399; AGI, Patronato 67, R.2, "Merits and services of Jorge de Alvarado, 1566."
10. AGI, Contaduria 657, N.4, "Treasurers'

reports, 1521–1531."

11. AGI, Justicia 199, N.1. R.2, "The lawsuit of Luisa de Estrada against the fiscal, 1544"; AGI, Justicia 189, N.1, "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco, 1536–1555"; AGI, Guatemala 393, L.1, "Jorge de Alvarado, as Lt. Governor, assigns an encomienda, 1535," fol. 105r–v.
12. Millares and Mantecon, *Indice y extractos de los Protocolos*, vol. 2, no. 1994; AGI, Justicia 295 and 296, "Residencia of Pedro de Alvarado and his lieutenants in Guatemala, 1536"; AGI, Justicia 186, N.6, "Lawsuit between Jorge de Alvarado and the fiscal regarding one-half of Guaspaltepec, 1531."
13. "Lawsuit regarding Teocaluyacan and Cayuca."
14. APSMM, "Bautismo de españoles, 1536–1746," microfilm edition by Academia Mexicana de Genealogia y Heraldica, 1953, accessed through Church of Latter-Day Saints Collection, Salt Lake City, microfilm no. 0035167, fol. 17v; "Lawsuit regarding Teocaluyacan and Cayuca"; "The lawsuit of Luisa de Estrada against the fiscal," fols. 4r–5r; "Merits and services of Jorge de Alvarado, 1581."
15. "Fiscal vs. Luisa de Estrada."
16. AGI, Indiferente General 423, L.19, "Executorias of Jorge de Alvarado, 1539–1541," fols. 353r, 457r; "Merits and services of Jorge de Alvarado," fol. 3r; "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco," fol. 33r; AGI, Patronato 278, N.2, R.118, "Lawsuit of Jorge de Alvarado concerning his encomienda, 1540."
17. "Bautismo de españoles," fol. 57v.
18. "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco"; "The lawsuit of Luisa de Estrada against the fiscal."
19. Fernández del Castillo, "Alonso de Estrada," 417, 409; "Lawsuit regarding Teocaluyacan and Cayuca," fols. 31v–34v.
20. Ana Rita Valero de García Lascuráin, *Solares y conquistadores: Orígenes de la propiedad en la ciudad de México* (Mexico City: Instituto Nacional de Antropológia e História, 1991), 259.
21. Robert G. Keith, "Encomienda, Hacienda, and Corregimiento in Spanish America: A Structural Analysis," *Hispanic American Historical Review* 51 (1971): 435.

22. Parry and Keith, *New Iberian World*, 1:336; *The Laws of Burgos of 1512–1513*, trans. Lesley Byrd Simpson (San Francisco: John Howell Books, 1960), 3–6.
23. Manuel Orozco y Berra, *Noticia histórica de la conjuracíon del Marqués del Valle, años 1565–1568* (Mexico City: Tipografía de R. Rafael, 1853), 21.
24. Victoria Anne Vincent, "The Avila-Cortés Conspiracy: Creole Aspirations and Royal Interests" (Ph.D. diss., University of Nebraska–Lincoln, 1993), 41, 51, 15.
25. Peggy Liss, *Mexico under Spain, 1521–1556: Society and the Origins of Nationality* (Chicago: University of Chicago Press, 1975), 35.
26. Vincent, "Avila-Cortés Conspiracy," 43.
27. Ibid., 45.
28. Liss, *Mexico under Spain*, 40.
29. Vincent, "Avila-Cortés Conspiracy," 53.
30. Parry and Keith, *New Iberian World*, 1:348.
31. Keith, "Encomienda, Hacienda, and Corregimiento," 440; Simpson, *Encomienda in New Spain*, 131.
32. Vincent, "Avila-Cortés Conspiracy," 92.
33. Keith, "Encomienda, Hacienda, and Corregimiento," 441; Parry and Keith, *New Iberian World*, 1: 348, 415.
34. Vincent, "Avila-Cortés Conspiracy," 96, 86; Liss, *Mexico under Spain*, 111. Even at late as 1607 another extension was granted to the "fourth lifetime," and it was not until the eighteenth century that the system was finally legally abolished. Gerhard, *Historical Geography of New Spain*, 10; Parry and Keith, *New Iberian World*, 1:359.
35. Liss, *Mexico under Spain*, 64, 98; Powers, *Women in the Crucible of Conquest*, 119.
36. Altman, *Emigrants and Society*, 223.
37. AGN, Instituciones Coloniales, Real Audiencia, Civil, vol. 853, expediente 18 (4), "Autos seguidos por Francisco Calderon contra los bienes y herederos de Luisa de Estrada, 1573."
38. Gonzalbo Aizpuru, "Tradicion y ruptura," 49.
39. "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco"; "Lawsuit of Jorge de Alvarado concerning his encomienda"; "Merits and services of Jorge de Alvarado."
40. Himmerich y Valencia, *Encomenderos of New Spain*, 119; Sophie D. Coe and Michael D. Coe, *The True History of Chocolate* (London:

Thames and Hudson, 1996), 40; Arnold J. Bauer, "The Colonial Economy," in *The Countryside in Colonial Latin America*, eds. Louise Schell Hoberman and Susan Migden Socolow (Albuquerque: University of New Mexico, 1996), 24.

41. "Lawsuit between Jorge de Alvarado and the fiscal regarding one-half of Guaspaltepec"; Gerhard, *Historical Geography of New Spain*, 86.
42. "Merits and services of Jorge de Alvarado"; "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco"; AGI, Patronato, 278, N.1, R.157, "Lawsuit of Jorge de Alvarado against licenciado Villalobos, fiscal, 1539"; "Lawsuit of Jorge de Alvarado concerning his encomienda."
43. "Executorias of Jorge de Alvarado," fol. 460v; AGI, Patronato 279, N.1, R.10, "Summons to Luisa de Estrada, 1541"; AGI, Patronato 279, N.1, R.26, "Cédula to the Audiencia regarding the making of an interrogatorio in the Jorge de Alvarado case, 1541"; "Lawsuit between Jorge de Alvarado and the fiscal regarding Soconusco"; AGI, Patronato, 283, N.1, "Request by Luisa de Estrada for the Crown to reconsider the judgment regarding Soconusco, 1555," fol. 68r; "Merits and services of Jorge de Alvarado."
44. "Merits and services of Jorge de Alvarado."
45. "The lawsuit of Luisa de Estrada against the fiscal, 1544." Alternative spellings of the names of these *encomiendas* are the following: Tequepanatitlan—Tequesistlan, Tequicastlan, Tequesistlan, Totonicapa; Pochutla—Petlutla; and Totitlan—Tatitlan, Atitlan.
46. "Merits and services of Jorge de Alvarado, 1566."
47. AGI, Indiferente General 423, L.20, fol. 14r–v, "Charges against Francisco Carcomo de Figueroa for not returning the property of Luysa de Estrada, 1542":

Muy poderosos senores: Doña Luisa de Estrada muger de Jorge de Alvarado digo que a mi notiçia *ha* venido que *una* çierta demanda que pase en esta Real Audiencia por mi y mis hijos sobre çiertos pueblos que estan en la provincia de Guatemala me fue respondido que yo con juramento declarase en quien estaban encomendados los dichos pueblos y para que yo he sido ynformada que los dichos pueblos estan vacos porque el licenciado Maldonado vuestro oydor los quito a las personas y los *tenia* para muerte y falleçimiento de don Pedro de Alvarado los quales despues que el dicho licienciado Maldonado vuestro oydor los quito no los a encomendada ninguna persona hasta saber la voluntad de vuestra magestad y jurar yo otra cosa no lo puedo hazer para que seria jurar cosa ynçierta mas de que esto tengo por çierto y es publico y notorio e no ay otra cosa en contrario—doña Luisa de Estrada.

48. "Merits and services of Jorge de Alvarado"; "The lawsuit of Luisa de Estrada against the fiscal."
49. "The lawsuit of Luisa de Estrada against the fiscal"; "Merits and services of Jorge de Alvarado."
50. Gerhard, *Historical Geography of New Spain*, 58, 160; C. Harvey Gardiner, *Martín López: Conquistador Citizen of Mexico* (Lexington: University of Kentucky Press, 1958), 97.
51. AGN, Mercedes, vol. 1, expediente 283, "Cease and desist order granted to doña Luisa de Estrada, 1542," fol. 132r; AGN, Mercedes, vol. 3, expediente 169, "Request for 100 fanegas of wheat and corn from the pueblo of Guaquechula y sus sujetos, 1550," fols. 74v–75r; AGN, Mercedes, vol. 3, expedientes 290 and 293, "Order that the Indians of the pueblo of Tepapayeca pay their tribute, 1550," fols. 115r–116v; AGN, Mercedes, vol. 3, expedientes 413 and 420, "Order that the Indians of the pueblo of Tepapayeca pay their tribute, 1550," fols. 149v, 151v–152r.
52. For variations on succession, see Luis de Velasco, *Relación de las encomiendas de indios hechas en Nueva España a los conquistadores y pobladores de ella, año de 1564*, publicado por France V. Scholes y Eleanor B. Adams (Mexico City: Jose Porrúa e Hijos, 1955).
53. The ten were Francisco de Velasco (brother to Viceroy Luis de Velasco the elder), Juan Guerrero, Cristóbal de Tapia, Rodrigo Maldonado, Gonzalo de Cerezo, Alonso de Ávila Alvarado (doña Louisa's niece's husband), Bernardino Pacheco de Bocanegra (another niece's husband), Alfonso Pérez, Juan Velázquez de Salazar, and Gonzalo de las Casas. AGI, México 168, "Letter to the king regarding perpetual encomiendas from certain encomenderos, 1564"; Altman, *Emigrants and Society*, 221. Historical geographer Peter Gerhard succinctly unraveled the complex political structure of the *encomienda* system in New Spain from the early 1520s to the 1950s. He presented the political hierarchy as the following: *alcaldía mayor, cabecera*, pueblo, and barrio or *estancia*. Jurisdictions, or *provincias*, were clarified in the mid-sixteenth century to consist of forty-eight geographical areas supervised by *alcaldes mayores*. These areas were further divided into *cabeceras*, pueblos, and then barrios or *estancias*. In some

cases an *encomendero* controlled an *alcaldía mayor*, but it was more common for important persons to control a *cabecera*, and lesser personages, pueblos or barrios or *estancias*. If an *encomendero* was entrusted with a *cabecera*, then he or she usually controlled the lesser jurisdictions as well, which were referred to as its *sujetos*.

54. Fernández del Castillo, "Alonso de Estrada," 417, 408; AGN, Mercedes, vol. 4, expediente s/n, "The grant of two caballerías to doña Luisa de Estrada on the outskirts of Tepapayeca, 1555," fol. 187r; AGI, México 100, R.1, "Complaint by the Indians and natives of Santiago de Tlatelulco regarding their treatment, 1575," fol. 1r; Charles Gibson, *The Aztecs under Spanish Rule: A History of the Indians of the Valley of Mexico, 1519–1810* (Stanford, Calif.: Stanford University Press, 1964), 384.

55. "Fiscal vs. Luisa de Estrada regarding Teocalhueyacan, 1559"; AGI, Indiferente General 856 [no folios], "Report on encomenderos, 1551."

56. AGI, México 97, R.4, "Letter to the king from Francisco Morales, 1563"; "Merits and services of Jorge de Alvarado"; "The lawsuit of Luisa de Estrada against the fiscal"; "Suma de visitas de pueblos, Anon," in *Papeles de Nueva España: Geografía y estadística*, publicados por Francisco del Paso y Troncoso, 2nd series, vol. 1 (Madrid: Establecimiento Tip., 1905), 239; Gerhard, *Historical Geography of New Spain*, 245, 110; Himmerich y Valencia, *Encomenderos of New Spain*, 119; "Informes de los conquistadores y pobladores," fol. 100r. The spellings of the names of *encomiendas* vary according to Spanish understandings of several indigenous languages.

57. "Lawsuit regarding Teocaluyacan and Cayuca, 1551":

Marina de la Caballeria mi madre tuvo en encomienda en nombre de su magestad el pueblo de Teucaluyuacan e su sujeto e gozo en su vida hasta el dia de su fin e falleciamiento de los tributos servicios e aprovechamientos que nddo e sido obligados a dar los indios del dicho pueblo e su sujeto e conforme la merced que su magestad tiene hecha en la succesion de los yndios e por ser yo la hija mayor ligitima de legitima matrimonio reciviada y no aver hijo varon en esta tierra que pretenda la sucesion de los dichos yndios me pertenesce e se me a de hazer encomienda conforme a la dicha merced. . . . (fol. 5v)

Item pido e suplica a vuesa alteza mande aver los autos e que ante todas cossas se de por ninguno rreponga e rrevoque todo los hechos e atentados en esta causa e que yo sea defendida e amparada en mi possesion . . . lo qual pido e suplico a vuesa

alteza mande ver e provecher con brevedad e ante todas cosas que yo no sea despojada de mi posesion e pido justicia y real oficio ymploro el licenciado orvaneja. (fol. 10v)

58. "Fiscal vs. Luisa de Estrada regarding Teocalhueyacan."
59. *Catálogo, resumen e índices de Protocolos del Archivo General de Notarías de la Ciudad de México, 1554–1581, Gaspar Calderón y Antonio Alonso, escribanos*, Seminario de Documentación e Historia Novohispano, ed. Ivonne Mijares Ramírez (Mexico City: Instituto de Investigaciones Históricas, 1997), vol. 1, fols. 811r–812v, 31 August 1557.
60. AGI, Mexico 99, R.3, "Letter to the Viceroy from the King's Council, 1546."
61. "Lawsuit regarding Teocaluyacan and Cayuca." A royal *cédula* dated 3 February 1537 stipulated that one was allowed by law to enjoy tributes from someone else's encomienda. Silvio A. Zavala, *La encomienda indiana*, 2nd ed. (Mexico City: Editorial Porrúa, 1973), 401.
62. *Catálogo, resumen e índices de Protocolos*, vol. 2, no. 4699.
63. *Epistolario*, vol. 9, no. 485, 34; Himmerich y Valencia, *Encomenderos of New Spain*, 16; "Merits and services of Jorge de Alvarado"; AGI, Indiferente General 1529, N.2, "Relación de tasaciones de pueblos de Indios de Nueva España, 1560" (read Cacuyuca for Calcoyuca).
64. *Actas de Cabildo*, Book 7 (1562–1571), 69–70, Book 6 (1550–1561), 439, 451, Book 7 (1562–1571), 175.
65. *Catálogo, resumen e índices de Protocolos*, vol. 2, no. 4302.
66. "Treasurers' reports."
67. *Epistolario*, vol. 7, no. 385, 136–37; Dorantes de Carranza, *Sumaria relación*, 289; Himmerich y Valencia, *Encomenderos of New Spain*, 261; Jesús Amaya Topete, *Bioteca de occidente: Vidas, conquistas, fundaciones, poblazones, al poniente Mexicano* (Mexico City: Editorial Lumen, 1951), 10; "Autos seguidos por Francisco Calderon."
68. "Autos seguidos por Francisco Calderon."
69. "Lawsuit regarding Teocaluyacan and Cayuca"; AGI, Patronato 181, R. 41, "Report on Encomiendas, 1560"; AGI, Patronato 82, N.1, R.1, "Merits and services of Jorge de Alvarado (III), 1598"; AGI, Indiferente General 1398, "Peticiones y Memoriales, 1585"; *Papeles de Nueva España*, vol. 13, no. 745, 37, 42; "Sobre el modo de tributar los

indios de Nueva España a su majestad, 1561–1564," in *Documentos para la historia del México colonial*, vol. 5, publicados por France V. Scholes and Eleanor B. Adams (Mexico City: José Porrua e Hijos, 1963), 64–65.

70. "Merits and services of Jorge de Alvarado (III)"; Porras Muñoz, *Gobierno de la Ciudad de México*, 465–68; AGI, Escribanía de la Cámara 163A, "Lawsuit regarding the encomienda of Tlalnepantla, 1585," fol. 58v; "Lawsuit regarding Teocaluyacan and Cayuca."
71. *Catálogo, resumen e índices de Protocolos*, vol. 2, no. 5037, 17 July 1573; and vol. 1, no. 1275, 15 October 1577.
72. Lockhart, *Spanish Peru*, 154, 160; Muriel, "Las viudas," 100.
73. Keith, "Encomienda, Hacienda, and Corregimiento," 443–45. The family of Pérez de Bocanegra married into the family of her sister, doña Beatriz. Chevalier, *Land and Society in Colonial Mexico*, 52–58.

CHAPTER FOUR

The epigraph is from AGI, Escribanía de la Cámara 163B, N.10, Pieza 1, "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego, 1587."

1. Coolidge, *Guardianship, Gender, and the Nobility*, 42.
2. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 76r; "Lawsuit regarding Teocaluyacan and Cayuca," fols. 34v–36v.
3. Twinam, *Public Lives, Private Secrets*, 4. Use of the status titles "don" and "doña" came from legitimate descent from parents of high status, so doña Marina and Alonso, as a *señor*, entitled their offspring to use the titles.
4. APSMM, "Bautismo de españoles," fol. 167v.
5. "Lawsuit regarding Teocaluyacan and Cayuca," fols. 19v, 31v–34v.
6. *Catálogo, resumen e índices de Protocolos*, "Lawsuit between doña Francisca de Estrada and her son, don Fernando López de Ávalos, regarding her dowry, 23 February 1579, Mexico," fol. 672r–v; "Fiscal vs. Luisa de Estrada," fols. 9v–14r; "Report on encomenderos"; "Autos seguidos por Francisco Calderon contra los bienes y herederos de Luisa de Estrada, 1573."
7. Icaza, *Diccionario autobiográfico*, vol. 2, no. 505; *Actas de Cabildo*, Book 1 (1524–1529),

113; Himmerich y Valencia, *Encomenderos of New Spain*, 122.

8. Gerhard, *Historical Geography of New Spain*, 240.
9. *Catálogo, resumen e índices de Protocolos*, "Lawsuit between doña Francisca de Estrada and her son," fols. 670r–671v.
10. Himmerich y Valencia, *Encomenderos of New Spain*, 122; "Charges against Francisco Carcomo de Figueroa," fols. 576v–577r; "Request for a ship's register in the case of Alonso de Sosa and Herrera," fol. 74r; AGI, Indiferente General 2048, N.10, "Regarding the detention of Alonso de Ávalos in Spain, 1545."
11. Gerhard, *Historical Geography*, 239–42.
12. "Lawsuit regarding Teocaluyacan and Cayuca," fols. 155v–157r; AGI, Patronato 78A, N.1, R.4, "Merits and services of Alonso de Estrada and his son-in-law, Alonso de Avalos Saavedra, 1584"; Gerhard, *Historical Geography of New Spain*, 240; Himmerich y Valencia, *Encomenderos of New Spain*, 122; "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 74r.
13. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fols. 1v, 184v. Juan Infante, father of Juan Infante Samaniego, was granted Tzintzuntzan by Alonso de Estrada. Later, the first *audiencia* assigned him Comanja and Naranja. Himmerich y Valencia, *Encomenderos of New Spain*, 177; Gonzalbo Aizpuru, *Indices y catálogo*, nos. 275, 278.
14. *Catálogo, resumen e índices de Protocolos*, "Lawsuit between doña Francisca de Estrada and her son," fols. 670r–671v.
15. Lavrin and Couturier, "Dowries and Wills," 282; Scott and Burns, *Siete Partidas*, Partida IV, Title XI, Law I, 4:930–31.
16. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fols. 2v, 74r.
17. Grace E. Coolidge, "Families in Crisis: Women, Guardianship, and the Nobility in Early Modern Spain" (Ph.D. diss., Indiana University–Bloomington, 2001), 75.
18. Scott and Burns, *Siete Partidas*, Partida VI, Title XVI, Laws I–XIII, 5:1284–89; Coolidge, *Guardianship, Gender, and the Nobility*, 17.
19. Scott and Burns, *Siete Partidas*, Partida VI, Title XVI, 5:1284.

20. Ernesto Schäfer, *El Consejo Real y Supremo de las Indias: Su historia, organización y labor administrativa hasta la terminación de la Casa de Austria* (Sevilla: M. Carmona, 1935, 1947), 2:452.
21. AGI, Escribanía de la Cámara 163A, "Lawsuit regarding the entailed estate of Hernando Infante Samaniego, 1585"; AGI, Escribanía de la Cámara 953, "Sentences by the Real Consejo, 1585."
22. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 2v.
23. Powers, *Women in the Crucible of Conquest*, 114.
24. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 166v. The change from the Julian to the Gregorian calendar on 4 October 1582 resulted in the dropping of ten days in 1582. Thus, little Francisca's birthday changed from September 22 to October 2. See Richard Flint, "Reconciling the Calendars of the Coronado Expedition: Tiguex to the Second Barranca, April and May 1541," in *The Coronado Expedition: From the Distance of 460 Years*, ed. Richard Flint and Shirley Cushing Flint (Albuquerque: University of New Mexico Press, 2003), 153–54.
25. Gerhard, *Historical Geography of New Spain*, 345.
26. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 153r.
27. Ibid., fol. 56r: "que tengo dicho es my voluntad y de mi padre porque ansi me lo mando y que juraba a dios y a santa Maria que otro no avia de ser su marido sino el dicho don Pedro Farfan."
28. Powers, *Women in the Crucible of Conquest*, 114; Arrom, *Women of Mexico City*, 57.
29. Scott and Burns, *Siete Partidas*, Partida IV, Title I, Law XII, 4:885; Schäfer, *Consejo Real*, 452.
30. Ibid., 877.
31. Ibid., Partida IV, Title I, Laws II, VIII, and Title II, Law V, 4:879, 882–83, 887; Twinam, *Public Lives*, 37.
32. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 49r.
33. Ibid., fol. 6v: "algunas personas sea pretendido y pretende pedir ante un diligencia para que

dona francisca ynfante esposa de un parte pueda contraer nuevo matrimonio con otro y por que demas quella dicha francisca no lo puede hazer por estar casado con el dicho don pedro."

34. Ibid., fol. 9r–v.
35. Ibid., fol. 19r.
36. Ibid., fol. 21r.
37. Ibid., fol. 21v.
38. Ibid., fol. 61r.
39. Ibid., fol. 185r–v.
40. Patricia Seed, *To Love, Honor, and Obey in Colonial Mexico: Conflicts over Marriage Choice, 1574–1821* (Stanford, Calif.: Stanford University Press, 1988), 32–46; Schroeder, *Canons and Decrees of the Council of Trent*, 183; Scott and Burns, *Siete Partidas*, Partida VI, Title IV, Law XIV, 5:1208.
41. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego": "el dicho my padre a el tiempo que otorgo y hordeno el dicho testamento muy malo y en cama y tal que no tenia entero juizio" (fol. 208v); "no lo ordeno mandado el dicho my padre syno el dicho doctor Pedro Farfan su tio porque como dicho tiene el hordeno el dicho testamento y no su padre" (fol. 210v).
42. Ibid., fols. 336r–337r.
43. Ibid., fol. 259r.
44. AGI, Panama 1, N.285, "Provisión del gobierno de Panamá, 1615"; María del Carmen Galbis Díez, *Catálogo de pasajeros a Indias durante los siglos XVI, XVII y XVIII* (Sevilla: Ministerio de Cultura, 1986), vol. 6, no. 3123; Hillerkuss, *Diccionario biográfico*, 2: 132–33.
45. "Lawsuit regarding marriage of doña Francisca de Estrada Infante Samaniego," fol. 246r.
46. Ibid., fol. 337r: "pido y supplico que castigando al dicho doctor farfan por los excesos y delictos de suso referidos se me envie vuestra real cedula en la qual demande al virrey y audiencia y obispos se ponga silencio en las pretensiones del susodicho quitando remotamente la administracion de las haziendas."
47. Ibid., fol. 337r: "mudar en cinco depositos aflijiendola y ynduziendo y cohechando a personas en la ynduxesen para que viniese en el que llamo casamiento futuro lo qual la d. mi nieta antes y despues lo repudio y reclamo y declaro la fuerza y que dando ninguno por las

declaraciones de su voluntad."

48. Ibid., fol. 336v: "a las tres de la tarde y el mismo dia de san bernave a hora de misa los desposso de futuro corriendo auctos diligencias ynformaciones y depositos amonestaciones e vanas todo a un tiempo y en dia de fiesta que a un no pasaron diez y ocho oras de dia y de noche siendo menores en la y sin deudos y sin aver llegado a la hedad de puvertad"; "don diego de mercado alguacil mayor desta corte yba con provission a poner a la d. mi nieta en su libertad y ende sacado della y de la cedula de vm del ano de setenta y cinco en que manda que no se casen oydores ni sus hijos en esta tierra so pena de perdimiento de sus oficios y otras penas y ende sacado de otra que anda en el cuerpo de las leyes de la concesion applica que vm tiene de la sancta sede applica para que no se use de bullas ni de escriptos asi de gracia como de justicia sino fueren pasados por el real consejo."
49. Ibid., fol. 337r.
50. Scott and Burns, *Siete Partidas*, Partida IV, Title I, Law VIII, 4:882–83.
51. Schäfer, *Consejo Real*, 2: 452, 480.
52. AGI, Contratación 5788, L.1, "Appointment of Diego de Velasco as governor of Yucatan, 1596," fols. 293r–294v; AGI, Pasajeros 7, E.4593, "License for Diego de Velasco to Yucatan as Governor, 1597"; AGI, Indiferente General 428, L.32, "Diego de Velasco as governor of Yucatan, 1601," fols. 31v–32r; AGI, Contratación 5792, L.2, "Diego de Velasco named governor and captain general of Cartagena, 1606," fols. 369r–371v; AGI, Contratación 5793, L.1, "Salary for Diego de Velasco, president of the Audiencia of Panama, 1615," and "Diego de Velasco named governor and captain general of Tierra Firme and Veragua."
53. AGI, Panama 16, R.8, N.89, "Report of death of Diego de Velasco, president of the Audiencia, 1620"; AGI, Panama 1, N.326, "Request of Francisca Infante Samaniego, 1621."
54. *Catálogo, resumen e índices de Protocolos*, "Lawsuit between doña Francisca de Estrada and her son," fol. 672r–v.
55. AGN, General de Parte, volume 4, expediente 392, "Petition by doña Francisca de Estrada concerning Indian service, 1591."
56. AGI, Mexico 1, N.10, "Request by doña

Francisca de Estrada, 1586"; AGI, Escribanía de la Cámara 954, "Sentence in lawsuit: Francisca de Estrada vs. Mariana Infante Samaniego, 1600."

57. Through marriage she was related to don Luis de Castilla, a grandson of Pedro I; to the royal treasurers Juan Alonso de Sosa and her own father; to "first conquerors" the Alvarados, Pacheco de Bocanegras, and Altamiranos; and to the highly placed Spanish families of Saavedra Guzmán and Sandoval.

CHAPTER FIVE

The epigraph is from Alonso Remón, *Vida y muerte del siervo de Dios, don Fernando de Cordova y Bocanegra; y el libro de las colaciones y doctrinas espirituales, que hizo y recopiló en el tiempo de su penitencia el año de 1588*. Corregido degun el expurgat. de 1707. Miguel Puerrero, 1716. Escrita por el fray Alonso Remón, predicador y coronista general de su orden de Nuestra Señora de la Merced. Dirigida a don Francisco Pacheco de Cordova y Bocanegra, Marques de Villamayor, adelantado del reyno de la Nueva Galicia, Cavallero de la Orden de Santiago, etc. (Madrid: Luis Sánchez, 1617), 19–23.

1. De Backer, *Widowhood in Early Modern Spain*, 17–21; Mary Elizabeth Perry, *Gender and Disorder in Early Modern Seville* (Princeton, N.J.: Princeton University Press, 1990), 9; Elizabeth A. Lehfeldt, *Religious Women in Golden Age Spain: The Permeable Cloister* (Burlington, Vt.: Ashgate, 2005), 173–215.
2. "Lawsuit regarding Teocaluyacan and Cayuca, Mexico, 1551," fols. 92r–95r, 98r–100v. On October 8, 1552, witness Bernaldino Vázquez de Tapia, age fifty, stated that Beatriz and Francisca were born in New Spain, and witness Pero Nuñez, age seventy-nine, stated that Alonso and Marina had come to New Spain with Luisa, Marina, and Beatriz. Beatriz may have been born on board ship or shortly after the family's arrival in Vera Cruz.
3. "Includes the guardianship papers for doña Marina, wife of Alonso de Estrada, 1532," fol. 30r–v.
4. Icaza, *Diccionario autobiográfico*, vol. 1, no. 364; Arthur S. Aiton and Agapito Rey, "Coronado's Testimony in the Viceroy Mendoza *Residencia," New Mexico Historical Review* 12, no. 3 (July 1937): 288; Porras Muñoz, *Gobierno de la Ciudad de México*, 148.
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11. Ibid., fols. 28r–29r, 392.
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Expedition, fol. 3r, 228.

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14. APSMM, "Bautismo de españoles, 1536–1746," fol. 59v.
15. Jones, *Coronado and Quivira*, 219, 189; *Catálogo, resumen e índices de Protocolos*, vol. 1, no. 63.
16. "Merits and services of Francisco Pacheco de Córdova y Bocanegra, 1605," fol. 57.
17. Bolton, *Coronado*, 405. However, this burial site was in the first Santo Domingo church, which was destroyed before 1575.
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20. Franco, *Historia de la provincia de Santiago*, 499. In 1567 doña Beatriz was living in houses owned by Gonzalo Rodríguez, the royal *depositario general* (public treasurer for the city), having taken over the lease held by doña Leonor de Barahona, wife of Nueva Galicia's judge, Dr. Francisco de Alarcón. *Catálogo, resumen e índices de Protocolos*, vol. 1, fol. 141v.
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28. Anne J. Cruz, "Juana and Her Sisters: Female Sexuality and Spirituality in Early Modern Spain and the New World," in *Recovering Spain's Feminist Tradition*, ed. Lisa Vollendorf (New York: Modern Language Association of America, 2001), 92–94; Powers, *Women in the Crucible of Conquest*, 176; Jodi Bilinkoff, "The Holy Woman and the Urban Community in Sixteenth-Century Avila," in *Women and the Structure of Society: Selected Research from the Fifth Berkshire Conference on the History of Women*, eds. Barbara J. Harris and JoAnn K. McNamara (Durham, N.C.: Duke University Press, 1984), 76.
29. Antonio Rubial García, *Profetisas y solitarios: Espacios y mensajes de una religión dirigida por ermitaños y beatas laicos en las ciudades de Nueva España* (Mexico City: Universidad Nacional Autónoma de México, 2006), 139–51; María Emma Mannarelli, *Hechiceras, beatas y expósitas: Mujeres y poder inquisitorial en Lima* (Lima: Congreso del Perú, 1998), 44.
30. Rosenthal, "Aristocratic Widows," 41; Klapisch-Zuber, *Women, Family, and Ritual*, 119.
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32. "The grant of two caballerías to doña Luisa de Estrada on the outskirts of Tepapayeca, 1555," fol. 119r; Gerhard, *Historical Geography of New Spain*, 321.
33. *Catálogo, resumen e índices de Protocolos*, "Obligation, doña Beatriz is guarantor for loan of Francisco Jurado, Mexico, 9 March 1563," vol. 1, nos. 94, 168.
34. *Catálogo, resumen e índices de Protocolos*, "Lease between Diego Núñez and Hernando de Sopuerta, Mexico, 28 May 1563," vol. 1,

no. 111; Ibid., "Power of Attorney, doña Beatriz de Estrada to Francisco de Torres, Mexico, 19 June 1570," vol. 2, no. 4790; Ibid., "Sale, agreement by Bernardino Pacheco de Bocanegra to sell two *caballerías* of land to Silvestre de Solórzano, Mexico, 8 April 1567," vol. 1, 27.

35. Ibid., "Sale, agreement to sell Isabel Ruiz, slave, to her husband, Mexico, 18 February 1567," vol. 1, no. 15, fol. 148.
36. Ibid., "Power of Attorney, doña Beatriz de Estrada to Juan de Solache, Mexico, 9 October 1565," and "Revocation, 17 October 1566," vol. 2, nos. 4175, 4357; Ibid., "Power of attorney, Luis Ponce de León to his wife doña Luisa de Estrada, Mexico, 12 May 1567," vol. 2, no. 4459; Shirley Cushing Flint, "Treason or Travesty: The Martín Cortés Conspiracy Reexamined," *Sixteenth Century Journal* 39, no. 1 (2008): 23–44.
37. "Letter to the king from Francisco Morales," fol. 1v.
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41. Powers, *Women in the Crucible of Conquest*, 176. See also Socolow, *Women of Colonial Latin America*, 106; Fernández del Castillo, "Alonso de Estrada," 398–431, 425.
42. Remón, *Vida y muerte*, 19–23: "y aviendo enviudado muy moca y puesto en estado sus hijas, se retiro dellas, y de sus deudos a una pequena casa junto al convento de San Agustin, con las criadas que de las suyas tuvieron espiritu para seguirla, que una dellas fue la madre Beatriz de la Concepcion, Abadesa del monesterio de Jesus, Maria de Mexico que oy vive gran sierva de Dios, y se

ocupo toda en darse a Dios con tan asperas penitencias y rigor de la vida espiritual, que se igualo en alla a los mas perfectos varones, gastando la poca renta que le quedo en el sustento de pobres, y en obras de caridad."

43. Rubial García, *Profetisas y solitarios*, 130.
44. Cruz, "Juana and Her Sisters," 89–90; Rubial García, *Profetisas y solitarios*, 11; Lehfeldt, *Religious Women in Golden Age Spain*, 218.
45. AGN, Inquicisión 225, Expediente 51, fol. 350, "Investigation of doña Beatriz de Estrada, 13 May 1575": "Para descargo de mi conciencia, digo yo el presentado fray Pedro de Pravia que es verdad que visitando yo con mi companero el padre fray Hernando de Morales a doña Beatriz de Estrada viuda, se ofrecio platicar de sueños y viniendo de unas palabras en otras la dicha doña Beatriz de Estrada dixo que avia o sabia quien poniendose en corona lo que queria y declaro que lo vista en sueños y pareçeme que lo dixo en esta forma que avia o sabia quien no avia menester mas quando queria ver alguna cosa sino ponerse en corona y declaro la sobre dicha que esto se entendida que lo vista aquella persona de quien ella lo affirmaba en sueños y a esta que platicas se hallo presente su hija doña Isabel Luxan."
46. Solange Alberro, "Herejes, brujas y beatas: Mujeres ante el tribunal del Santo Oficio de la Inquisición en Nueva España," in Ramos Escandón, *Presencia y transparencia*, 88, 93.
47. Dorantes de Carranza, *Sumaria relación*, 264; Fernández de Bethencourt, *Historia genealógica y heráldica*, 497; Bolton, *Coronado*, 20.
48. Remón, *Vida y muerte*, 19–23; Pareja Ortiz, *Presencia de la mujer sevillana en Indias*, 243.
49. Remón, *Vida y muerte*:

[fol. 47r] y fue, que estando enferma en la ciudad de Mexico dona Beatriz de Estrada abuela deste siervo de Dios don Fernando cuyas grandes virtudes de santidad valor recogimiento y limosnas fuera necessario para referirlas larga y particular historia como toda la tierra de la NS lo sabe, que toda la tuvo en vida y muerte por santa: porque siendo dotada de todas las buenas partes [fol 47v.] de naturaleza, que se pueden desear. . . .

Fueron tan notables las virtudes y Christiandad desta senora que llevandola su marido de muy pocos anos a la ciudad de Compostela de aquel Reyno, fue siempre un exemplo raro de virtud, y el amparo de las religiosas que fundaron en aquellas Provincias, y tan gran limosnera, y su casa de tanto recogimiento y exemplo, que le dava a los monesterios mas estrechos en el exercicio de singulares virtudes. . . . [fol. 48r.] de la qual dezian sus confessores fray Juan de Roa y fray Hernando de Vertavillo, y fray Martin de Perea, religiosos de la orden de san Agustin, de los mas insignes en letras y santidad de aquellos tiempos, como lo certifican las relaciones he

los que oy viven, que se lo oyeron, que las maravillosas virtudes de dona Beatriz desde su ninez no se podian referir, sin admiracion, y sus rigurosas penitencias, que quando cumplio los treinta anos de sus edad, estava tan acabada y con tan grande estremo de flaqueza, que admirava verla: y en otros treinta y quatro anos que despues vivio, continuo el gran rigor dellas hasta su muerte, que parecia cosa sobrenatural su vida, y el poco sustento con que passava con un teson y perseverancia incansable, haziendo en la tierra vida de Angel, sin afloxar en la carrera, como si cada dia la comencara de nuevo retirada de todo lo temporal.

50. Remón, *Vida y muerte*, 19–23. See also Perry, *Gender and Disorder*, 116.
51. Fernández de Bethencourt, *Historia genealógica*, 498.
52. Powers, *Women in the Crucible of Conquest*, 171.
53. Cruz, "Juana and Her Sisters," 95, 99.

CHAPTER SIX

The epigraph is from AGI, Indiferente General 1398, "Peticiones y Memoriales, 1585."

1. Millares Carlo and Mantecon, *Indice y extractos de los Protocolos*, 1945–1946, vol. 1, no. 1442.
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3. Fray Agustín Dávila Padilla, *Historia de la fundacion y discurso de la provincia de Santiago de Mexico, de la Orden de Predicadores* (1596; reprint, Mexico City: Editorial Academia Literaria, 1955), 401.
4. Fernández del Castillo, "Alonso de Estrada," 417.
5. *Catálogo, resumen e índices de Protocolos*, vol. 1, fol. 50v, 25 February 1563.
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7. AGI, Contaduría 663B, "Cuenta de Cargo y data del thesorero don Fernando de Portugal, 1553–1556."
8. AGI, Justicia 208, N.3, "Lope de Sosa vs the fiscal regarding encomiendas, 1566."
9. *Catálogo, resumen e índices de Protocolos*, vol. 2, fol. 188r, 16 June 1562; vol. 1, fol. 131r, 14 July 1562; vol. 2, fol. 1v, 31 December 1562; vol. 2, fol. 6v, 25 January 1563; vol. 2, fol. 51v, 25 February 1563.
10. Porras Muñoz, *Personas y lugares*, 112; Uchmany, "De algunos cristianos nuevos," 271.
11. Porras Muñoz, *Gobierno de la Ciudad de*

México, 300–306.

12. Ibid.
13. *Actas de Cabildo*, Book 7 (1562–1571), 35.
14. Flint, "Treason or Travesty," 23–44.
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16. Flint, "Treason or Travesty"; "Proceso contra Martín Cortés"; "Sumaria contra culpados"; AGI, Patronato, 203, R. 1/1, "Rebelión en Nueva España contra el Rey, 1566."
17. Porras Muñoz, *Gobierno de la Ciudad de México*, 300–306.
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21. "Proceso General [Audiencia], 1567," fols. 740r, 750r; Porras Muñoz, *Gobierno de la Ciudad de México*, 300–306.
22. *Catálogo, resumen e índices de Protocolos*, "Para solicitar mercedes para ella y sus hijos; y para cobrar cualesquier dinero y bienes que les pertenezcan," no. 4329, 28 Aug. 1566; AGI, Escribanía de la Cámara 1007B, "Lawsuit of María de Sosa regarding the rebellion, 1571."
23. "Lawsuit of María de Sosa," fols. 7r–10v.
24. *Actas de Cabildo*, 10 October 1567, Book 7 (1562–1571), 368.
25. Kamen, *Philip of Spain*, 181, 195.
26. Ibid., 195–96.
27. "Lawsuit of María de Sosa."
28. Ibid.; see also Flint, "Treason or Travesty."
29. Flint, "Treason or Travesty."
30. "Lawsuit of María de Sosa," fol. 3r: "procediendo contra ellos con demasiado aceleramiento."
31. "Lawsuit of María de Sosa," fol. 3r.
32. Ibid., fol. 4r.
33. *Catálogo, resumen e índices de Protocolos*, 30 April 1574, fol. 695v: "las haciendas que tiene

en Nueva España, que son las estancias de ovejas que llaman Atocan [Xaltocan] y dos caballerías de tierra en la misma estancia y la estancia que llaman 'La estancia de Guasuchil' y un mesón en Guautitán y todo lo que tiene en las dichas estancias, así de tierra como de ganados, esclavos, bienes raíces y muebles, aperos y aparejos."

34. AGI, Justicia 213, N.2. "Fiscal vs Lope de Sosa and his brother, regarding the accounts of the treasurer, 1570."
35. *Catálogo, resumen e índices de Protocolos*, 3 May 1574, fol. 696r–v.
36. Ibid., 2 March 1579, fol. 697r.
37. "Peticiones y Memoriales, 1585."
38. "Punta del Diamante, Book 1," fol. 1290.
39. Kamen, *Philip of Spain*, 317.
40. AGI, Contratación 930, N.25, "The will of María de Sosa, 1602," fol. 4r; AHPS, 4.185, Oficina 6, Posada de la Parra, Book 1, 1601, fol. 213.
41. "The will of María de Sosa," fol. 1r.

CHAPTER SEVEN

1. Socolow, *Women of Colonial Latin America*, 179.
2. Powers, *Women in the Crucible of Conquest*, 161.
3. Rosenthal, "Aristocratic Widows," 37; Socolow, *Women of Colonial Latin America*, 178.
4. François Giraud, "Mujeres y familia en Nueva España," in Ramos Escandón, *Presencia y transparencia*, 66.
5. María Isabel Barbeito Carneiro, "Partial Feminism of Ana de San Bartolomé," in Vollendorf, *Recovering Spain's Feminist Tradition*, 49.
6. Socolow, *Women of Colonial Latin America*, 178.
7. Perry, *Gender and Disorder*, 10.
8. Nader, *Power and Gender in Renaissance Spain*, 2, 3, 5, 20.
9. Coolidge, "Choosing Her Own Buttons," 133.
10. Kimberly Gauderman, *Women's Lives in Colonial Quito: Gender, Law, and Economy in Spanish America* (Austin: University of Texas Press, 2003); Lockhart, *Spanish Peru*.
11. Mirrer, *Upon My Husband's Death*.
12. Klein, *Daughters, Wives, and Widows*, xii.
13. Seed, *To Love, Honor, and Obey*, 7, 20. Also see Arrom, *Women of Mexico City*.

GLOSSARY

adelantado. A person authorized by the Spanish Crown to settle a new territory and be its perpetual governor, with both military and civil authority.

alguacil mayor. Chief law enforcement officer.

audiencia. The governing body of a province in the Spanish Empire. In conjunction with a viceroy or president, the *audiencia* exercised both legislative and judicial authority. It was the highest regional appellate court.

bachiller. An academic title roughly equivalent to the modern university-level bachelor's degree but held much more rarely than today.

beata. A woman who made a simple but private vow of chastity, wore the habit of some religious order, and sometimes even observed the rules of that order.

caballero, caballero hijodalgo. A prominent minor noble, a *caballero hijodalgo* being somewhat more important than either a *caballero* or an *hidalgo*.

conde. Title of nobility with lower status than a *marqués*.

conversos. Descendants of the mass baptisms of Jews in 1391 or thereafter.

corregidor. A royally appointed official who administered a town, a province, or an *encomienda* held directly by the Crown.

curador. A person designated to protect the property of a minor who had reached the age of twelve for girls and fourteen for boys but who had not reached the age of majority, twenty-five.

duque. Title of nobility of the highest status after the royal family.

encomienda. A grant of the right to collect tribute, labor, or both from an indigenous community.

encomendera, encomendero. The holder of an *encomienda* grant.

estancia. A term applied to a native community that was subordinate to a larger community; also refers to a livestock ranch.

factor. A royal official charged with collecting tribute owed to the king and his agent and who reported on the results of expeditions.

fiscal. A court official roughly equivalent to a prosecuting attorney.

judaizantes. Converted Jews still practicing religious or cultural Jewish customs.

licenciado. A university graduate, roughly equivalent to a modern master's level.

maravedí. The smallest Spanish monetary unit; 272 *maravedís* = 1 silver peso. See note 38, chapter 2, for a monetary discussion.

marqués. Title of nobility inferior to that of *duque* but superior to that of *conde*.

mudéjares. Adherents of the Islamic religion.

peninsulares. Persons of Spanish descent born on the Iberian Peninsula.

peso. See note 38, chapter 2, for a monetary discussion.

probanza. An affidavit of testimony, often referring to a proof of a person's antecedents (*méritos*) and worthy deeds (*servicios*).

residencia. Judicial review of the performance of a royal official held at the end of his term in office.

señor. The lowest rank of the noble class.

tutor. A designated guardian of girls under twelve and boys under fourteen.

vecino. A person with full political rights in a municipality. Such rights were not automatic but were granted by the city council after the person paid a fee and pledged to establish and maintain a residence for a certain length of time.

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